Language Policies in the European Union and India: A Comparative Study

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Abstract

The thesis offers a comparative analysis of language policies in the EU and India. Specifically, it examines the role of power and ideology in the formulation and implementation of language policies. The need for this thesis emerged in view of the lack of comprehensive comparative analyses of language policies which leads to epistemological gaps, including one-dimensional narratives of language policies, and theories which are lacking in precision. In light of these gaps, the thesis undertakes a comprehensive investigation of policies in eight policy domains (administration, legal safeguards for minority languages, law, education, media, healthcare, business, and social welfare) in the EU and India and in two case studies each from the EU (Luxembourg, Wales), and India (Manipur, Tamil Nadu), chosen on the basis of maximum and minimum deviation from the EU's and Indian policies. The study examines policy texts (statutes on language use in these polities), and contexts which concern the historical and socio-political factors underpinning language policies.

The thesis makes three important contributions. First, it marks a break from the prevalent understanding of power in macro-level policymaking. Research to date has tended to view power as a monolithic entity, while this thesis offers evidence that power and ideology are not uniform across policy domains. Second, it bridges the text-context divide of language policy research by conducting an investigation of policy-related legislation, and highlighting the importance of texts in understanding language policies, as they reflect the changes in power structures through time. Third, the thesis proposes a new analytical concept for investigating language policies, Categories of Differentiation (COD). Categories of Differentiation refer to the sets of binaries which underpin language policies in the aforementioned case studies. These binaries include the hills-valley divide (Manipur), the Dravidian-Aryan divide (Tamil Nadu), and the autochthonous-allochthonous divide (EU) among others. Language policies have often been described as 'multilayered', and COD offer a systematic approach to exploring these multiple layers. Overall, the thesis demonstrates how comparative research aids understanding of language policies, and sets out a possible theoretical framework for conducting it.

Declaration

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the Preface and specified in the text.

It is not substantially the same as any that I have submitted, or, is being concurrently submitted for a degree or diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the Preface and specified in the text. I further state that no substantial part of my dissertation has already been submitted, or, is being concurrently submitted for any such degree, diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the Preface and specified in the text.

It does not exceed the prescribed word limit for the relevant Degree Committee.

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Abhimanyu Kumar Sharma
January 2019

Dedicated to my parents

Malati Sharma†

and

Srikant Sharma

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List of Contents

Part I
Chapter 1
1.1 Introduction…… 15
1.2 Research overview
1.2.1 The irony of language policy research……. 17
1.2.2 First phase of language policy research……... 19
1.2.3 Second phase of language policy research……... 20
1.2.4 Third phase of language policy research……. 21
1.2.5 The text-context divide.……... 23
1.3 Research questions…… 24
1.4 Theories and concepts
1.4.1 Power, ideology, and hegemony…… 25
1.4.2 Terminological issues…… 28
1.5 Methods
1.5.1 Historical-Structural Analysis……. 29
1.5.2 Critical Discourse Analysis……. 31
1.6 Research design
1.6.1 Selection of case studies from the EU…… 33
1.6.2 Selection of case studies from India…….. 42
1.7 Selection of policy domains……. 46
1.8 Selection of policy texts…… 47
1.9 Chapter plan……... 47

Part II: Policies in the EU, Luxembourg, and Wales
Chapter 2
Language Policies in the EU
2.1 Introduction…… 48
2.2 Historical-structural factors
2.2.1 History……. 49
2.2.2 Institutions and agencies...…….. 50
2.2.3 Competences, proportionality, and subsidiarity……. 51
2.3 Policies
2.3.1 Administration
2.3.1.1 Legislative powers……... 53
2.3.1.2 Official, co-official, and working languages…… 54
2.3.1.3 Internal language arrangements……. 56
2.3.1.4 Language use in institutions and agencies
2.3.1.4.1 Council of the EU…….. 57
2.3.1.4.2 EU Intellectual Property Office……. 57
2.3.1.4.3 European External Action Service……. 58
2.3.1.5 Recruitment and promotion of EU personnel…….. 59
2.3.2 Legal safeguards for minority languages…….. 59
2.3.3 Law…….. 60
2.3.4 Education…… 61
2.3.5 Media…….. 64
2.3.6 Healthcare…….…… 64
2.3.7 Business…….……. 66
2.3.8 Social welfare…….. 67
2.4 Textual analysis…… 68
2.5 Conclusion……. 74

Chapter 3
Language Policies in Luxembourg

3.1 Introduction…….. 76
3.2 Historical-structural factors
3.2.1 The 'foreign' in Luxembourg's history……..……... 77
3.2.2 The 'foreign' in contemporary Luxembourg……. 79
3.2.3 Lëtzebuergesch and Luxembourgish Identity…… 81
3.2.4 Resurgence of Lëtzebuergesch……... 82
3.3 Policies
3.3.1 Administration…… 84
3.3.2 Legal safeguards for minority languages.…… 87
3.3.3 Law…… 89
3.3.4 Education……. 90
3.3.5 Media……. 93
3.3.6 Healthcare…….. 94
3.3.7 Business……. 95
3.3.8 Social welfare……. 96
3.4 Textual analysis…… 96
3.5 Conclusion…...……. 99

Chapter 4
Language Policies in Wales

4.1 Introduction
4.1.1 Language policies in the UK…….. 101
4.1.2 Devolution……... 106
4.2 Historical-structural factors…….……... 107
4.3 Policies
4.3.1 Administration……..…….. 111
4.3.2 Legal safeguards for minority languages…….…… 113
4.3.3 Law……..……... 114
4.3.4 Education……..…….. 115
4.3.5 Media……..…… 118
4.3.6 Healthcare……..……. 119
4.3.7 Business……..…… 120
4.3.8 Social Welfare…….…… 121
4.4 Textual analysis…… 121
4.5 Conclusion…….……... 124

Part III: Policies in India, Manipur, and Tamil Nadu
Chapter 5
Language Policies in India

5.1 Introduction…… 126
5.2 Historical-structural factors
5.2.1 The problem of measuring language diversity…… 128
5.2.2 Federal structure and distribution of powers…… 128
5.2.3 History
5.2.3.1 Hindi, Hindustani, Urdu or English…… 132
5.2.3.2 Development of a national policy…..……... 134
5.2.3.3 Elite interests..…… 135
5.2.3.4 'May' or 'shall'…….. 136

5.2.3.5 Anti-Hindi agitations and the Eighth Schedule…… 136
5.2.3.6 Classical languages…..…….. 137
5.3 Policies
5.3.1 Administration
5.3.1.1 Official vs. national language…… 140
5.3.1.2 Language use in the states…….. 140
5.3.1.3 Language use in the parliament…….. 141
5.3.1.4 Language of the National Gazette……... 141
5.3.1.5 Language use in public services…… 142
5.3.2 Legal safeguards for minority languages.…… 143
5.3.3 Law…… 145
5.3.4 Education…… 145
5.3.5 Media…….. 150
5.3.6 Healthcare…… 151
5.3.7 Business…….. 152
5.3.8 Social welfare…….. 152
5.4 Textual analysis…… 153
5.5. Conclusion…… 159

Chapter 6
Language Policies in Manipur
6.1 Introduction
6.1.1 Outline…… 161
6.1.2 Manipuri: The state language……. 165
6.1.3 Non-official languages……... 166
6.2 Historical-structural factors
6.2.1 Advent of Hinduism and Christianity…….. 168
6.2.2 Language conflicts…….…….. 170
6.2.3 Insurgency and secessionist movements…… 171
6.3 Policies
6.3.1 Administration……. 173
6.3.2 Legal safeguards for minority Languages……. 175
6.3.3 Law…….. 175
6.3.4 Education……. 175
6.3.5 Media……... 177
6.3.6 Healthcare…… 179
6.3.7 Business……... 179
6.3.8 Social welfare..……... 180
6.4 Textual analysis…… 181
6.5 Conclusion…….. 184

Chapter 7
Language Policies in Tamil Nadu
7.1 Introduction…… 186
7.2 Historical-structural factors
7.2.1 Outline……. 188
7.2.2 Language issues before the independence of India…….. 189
7.2.3 Language and caste.……. 192
7.2.4 Language, caste, and race…….. 194
7.2.5 The Dravidian movement and Dravida Munnetra Kazhagam... 195
7.2.6 Purification and deification of Tamil.…….. 197

7.2.7 Topophilia and spatial fabulation..…….. 198
7.2.8 Current tendencies..……. 200
7.3 Policies
7.3.1 Administration……. 201
7.3.2 Legal safeguards for minority languages..…….. 201
7.3.3 Law…… 202
7.3.4 Education…… 203
7.3.5 Media…….. 204
7.3.6 Healthcare…… 205
7.3.7 Business…….. 205
7.3.8 Social welfare…….. 206
7.4 Textual analysis…… 206
7.5 Conclusion…….. 210

Part IV
Chapter 8
8.1 Conclusions..……. 213
8.2 Limitations of comparative research..…….. 216
8.3 Proposing a new method for language policy research……. 217
8.4 Avenues for further research…….. 220

References…….. 223

Abbreviations

AT	=	Austria
BE	=	Belgium
BE-de	=	Belgium (German speaking part)
BE-fr	=	Belgium (French speaking part)
BE-nl	=	Belgium (Flemish speaking part)
BG	=	Bulgaria
BIG	=	Bwrdd yr Iaith Gymraeg (Welsh Language Board)
BSEM	=	Board of Secondary Education, Manipur
CEC	=	Council of the European Communities
CEFRL	=	Common European Framework of Reference for Languages
CFR	=	Charter of the Fundamental Rights of the European Union
CG	=	Comisiynydd y Gymraeg (Welsh Language Commissioner)
CIG	=	Cymdeithas yr Iaith Gymraeg (Welsh Language Society)
COE	=	Council of Europe
COEC	=	Commission of the European Communities
COHSEM	=	Council of Higher Secondary Education of Manipur
COI	=	Constitution of India
CY	=	Cyprus
CZ	=	Czech Republic
DDK	=	Doordarshan Kendra
DE	=	Germany
DK	=	Denmark
DLPI	=	Directorate of Language Planning and Implementation, Manipur
EACEA	=	Education, Audiovisual and Culture Executive Agency
EC	=	European Commission
ECJ	=	European Court of Justice
ECRML	=	European Charter for Regional or Minority Languages
EE	=	Estonia
EESC	=	European Economic and Social Committee
EL	=	Greece
ELC	=	European Language Council
EP	=	European Parliament
ES	=	Eighth Schedule
EU	=	European Union
EUIPO	=	European Union Intellectual Property Office
FI	=	Finland
FL	=	Foreign language(s)
FL1	=	First Foreign Language
FL2	=	Second Foreign Language
FR	=	France
GOI	=	Government of India
GOM	=	Government of Manipur
HR	=	Croatia
HU	=	Hungary
IE	=	Ireland

IL	=	Immigrant language(s)
ILA	=	Internal Language Arrangements
IS	=	Iceland
ISC	=	International Santhal Council
ISCED	=	International Standard Classification of Education
IT	=	Italy
J&K	=	Jammu and Kashmir
KS	=	Key Stage(s)
LI	=	Liechtenstein
LT	=	Lithuania
LU	=	Luxembourg
LV	=	Latvia
MENEJ	=	Ministère de l'éducation nationale, de l'enfance et de la jeunesse
MENFP	=	Ministère de l'éducation nationale et de la formation professionnelle
MEP	=	Member of European Parliament
MFL	=	Modern Foreign Language
MHRD	=	Ministry of Human Resource Development, India
MoU	=	Memorandum of Understanding
MPSC	=	Manipur Public Service Commission
MT	=	Malta
MT+2	=	Mother Tongue plus Two
NCERT	=	National Council of Educational Research and Training
NI	=	Northern Ireland
NL	=	The Netherlands
NO	=	Norway
NVS	=	Navodaya Vidyalaya Samiti
OJEC	=	Official Journal of the European Communities
OJEU	=	Official Journal of the European Union
OPGDL	=	Official Portal of the Grand Duchy of Luxembourg
PIB	=	Press Information Bureau
PLSI	=	People's Linguistic Survey of India
PT	=	Portugal
R/M language	=	Regional or minority language
RO	=	Romania
SC	=	Scheduled Caste
SE	=	Sweden
SI	=	Slovenia
SK	=	Slovakia
SPPEL	=	Scheme for the Preservation and Protection of Endangered Languages
SSA	=	Sarva Shiksha Abhiyan
ST	=	Scheduled Tribe
STATEC	=	Institut national de la statistique et des études économiques du Grand-Duché de Luxembourg
TEU	=	Treaty on the European Union
TFEU	=	Treaty on the Functioning of the European Union
TLF	=	Three Language Formula

TR	=	Turkey
UK	=	United Kingdom
UK-ENG	=	England
UK-NIR	=	Northern Ireland
UK-SCT	=	Scotland
UK-WLS	=	Wales
UNESCO	=	United Nations Educational, Scientific and Cultural Organization
UPSC	=	Union Public Service Commission

List of Figures and Tables

Figures

1. State languages and R/M languages with official status in Europe..…… 35-36
2. Proportion of students learning 2 or more FLs at ISCED 1…….. 37
3. Proportion of students learning 2 or more FLs at ISCED 2…….. 38
4. Proportion of students learning 2 or more FLs at ISCED 3…….. 39
5. Duration of FL1 across ISCED 1 to 2……... 40
6. Duration of FL2 across ISCED 1 to 2……... 40
7. Advanced Language Entries in the UK (2009-2012)…… 41
8. Map of Luxemburg……... 78
9. Map of United Kingdom……... 103
10. Percentage of Welsh speakers according to council area…….. 108
11. GCSE Modern Foreign Language Entries for Wales (2002-16)...…… 117
12. Hierarchy of languages in India…… 126
13. Political Map of India……... 130
14. Imprints of copies of Gazette of India from the years 1949, 1963, 1965, and 2017 142
15. Homepage of the 'Bharatavani' project…….. 144
16. Stages of schooling in India…….. 148
17. Map of Manipur…… 162
18. Map of Tamil Nadu……... 187

Tables

1. State languages and R/M languages with official status in Europe...…….. 35-26
2. Medium/media of instruction in different Indian states…… 42-43
3. TLF in different Indian states and union territories…….. 44-45
4. List of different competences…… 51
5. EU languages...……. 54
6. Top ten 'Hauptsprachen' (main languages) in Luxembourg…… 76
7. Luxembourg's population (1981-2017)……..…….. 80
8. Proportion of students who completed schooling in different streams in 2007-08 88
9. Chronological data on the population of Welsh speakers in Wales…….. 110
10. Welsh speakers (aged 3 or above) by local council area (2011 census)..……. 110-11
11. Official languages of States and Union Territories……... 130-31
12. Official Indian languages…….. 131-32
13. Government funding for classical languages…… 138
14. Funds allocated to minority languages…….. 138-39
15. List of languages with fewer than 10,000 speakers…….. 143-44
16. Percentage of dropout rates for pupils in primary schools…… 146-47
17. Number of public and private sector schools for different stages……. 147
18. English as a medium of instruction……... 149
19. Languages spoken by different STs in Manipur……. 167
20. Language teaching in state primary schools in Manipur…….. 176
21. Language teaching in state secondary schools in Manipur……... 176
22. Language teaching in state secondary schools in Manipur…… 177
23. Royal commission on the public services in India…… 193

1.1 Introduction

The goal of the dissertation is to undertake a comparative study of the language policies of the European Union and India. The need for this thesis emerged in view of the lack of comprehensive comparative analyses of language policies of polities across the world. There are a number of works that seek to undertake a comparative perspective, however such comparisons are either limited to European states or not systematic and comprehensive enough. By 'systematic' and 'comprehensive' I mean that investigations of language policies should not confine themselves to studying only one or two domains (such as education or administration, or the evolution of policies in the polities concerned), but they should also take into account the formulation and implementation of policies in different domains.[1]

The lack of such comprehensive studies leads to three epistemological problems. First, the scope of language policy research remains unidimensional, which leads to researchers making inaccurate claims. The unidimensional perspective also engenders Eurocentric views. For example, the late Belgian sociolinguist Peter Nelde claimed that 'the experiment of the European Union to recognise and implement 11 official and working languages is unique in the history of mankind'.[2] Such a claim ignores the fact that there was official multilingualism in India decades before Nelde's article was published.

Second, the lack of comprehensive comparative studies leads to researchers producing problematic narratives of policies in different parts of the world. Works that claim to deal with India's language policies are symptomatic of problems that emerge from non-inclusive research in the sense that subaltern views are not taken into account. For example, while commenting on the state of linguistic minorities in India, Skutnabb-Kangas (2009) claims that India committed 'linguistic genocide' and a 'crime against humanity'. This claim needs to be problematized because it creates the impression that the state of India actively worked against the existence of its linguistic minorities, while the reality is that the economic concerns in the initial years after the independence of India were an impediment to the promotion of linguistic minorities, as the primary

[1] See §1.5 and §1.6 for details.

[2] The EU had only 11 official languages when Nelde wrote this paper. The original quote reads: 'Das Experiment der Europäischen Union, 11 Amts- und Arbeitssprachen anzuerkennen und einzusetzen, ist in der Geschichte der Menschheit einmalig […]' (Nelde 2003:17).

concern of the polity included other issues such as the eradication of poverty. In recent years, the funding of languages has increased, however the primary beneficiaries of such funding are languages spoken by communities strong enough to influence political processes. Pragmatic concerns such as avoiding political instability constitute the main reason for disproportionate financial support of languages in India (cf. Lerner 2016).

Third, the lack of comprehensive comparative studies influences the theories or approaches that have been employed to describe language policies in the sense that they remain inexact. An example of such an inexact description would be Ricento/Hornberger's (1996) metaphor of 'peeling an onion', which suggests that language policies consist of different layers. In a similar way, McCarty (2011) describes language policies as 'multilayered constructs'. I find these descriptions inexact because they do not specify the nature of the different layers of language policies or offer any analytical categories with which to operate. I maintain that the theoretical framework of language policy research can be enriched only through conducting comprehensive comparative studies.

In light of the three problems mentioned above, this thesis aims to conduct a comparative analysis of the language policies of the EU and India, and investigate how language, power and ideology interact with one another in the EU and India in the context of their language policies. As far as the language policies of the EU and India are concerned, there is a scarcity of research literature that undertakes systematic comparative studies of the language policies of these two polities. There are a few monographs dedicated to comparative analyses (Ager 1996, Oakes 2001, O'Rourke 2011), but their object of research is limited to comparisons between different European countries. Ager (1996) focuses on Britain and France to examine the policymaking processes, Oakes (2001) compares France and Sweden with respect to the question of language and national identity, and O'Rourke (2011) compares Galician and Irish in her study on attitudes towards 'weak' and 'strong' minority languages in Europe. There has not been a single work to date that undertakes a comparison of language policies of the EU and India, which may explain why inaccurate claims like Nelde's emerge.

The EU and India are vastly different in terms of their history and political structure. For example, while the states of India are bound by a constitution, the attempts to unite

the member states of the EU have failed in the past. However, there are a number of grounds for comparison of the language policies of the EU and India. First, they share similar objectives with respect to their language diversity. While the EU aims to 'respect linguistic diversity' (Art. 3.3, Treaty of European Union), and prohibits 'any discrimination' based on language (Art. 21, Charter of Fundamental Rights of the European Union), the Constitution of India decrees that 'any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same' (Art. 29.1). Second, they follow a policy of official multilingualism. While the EU has 24 official languages, India recognises 23 languages as official. Third, they prescribe the policy of teaching three languages in schools – a policy known as 'mother tongue plus two' or 'MT+2' in the EU, and the 'three-language formula' or 'TLF' in India. Fourth, the increasing dominance of English is a problem that both polities have in common, and finally, they have a similar centre-to-state relationship in terms of policymaking, as the power to devise policies in different domains does not belong entirely to a single authority. In the EU, power is shared between the centre and the member states on the basis of 'competences' (Articles 2-6, Treaty on the Functioning of the European Union), while in India there are three different lists ('state list', 'centre list', and 'concurrent list') that dictate which authority has the power to devise policies in which area (Constitution of India, Schedule VII).[3] Education, for example, belongs to the 'competence' of member states (EU) or to the 'state list' in India, and while the centre can suggest policies, it is ultimately decided by the states whether to adopt these proposals.

In the following sections, I present an overview of language policy research with respect to the interplay of language, power and ideology. Drawing on this account, I examine the terminology, concepts, theories and methods in subsequent sections and select the ones most appropriate for analysing the language-power-ideology complex. In addition to this, I comment on the concepts central to my investigation such as power and ideology. Finally, I explain my research design which consists of selection of case studies and policy domains.

1.2 Research overview

1.2.1 The irony of language policy research

[3] See §2.2.3 for a discussion of 'competences'. The different lists of India are discussed in §5.2.2.

For a discipline that has as one of its aims to highlight the consequences of the dominance of English in the world and even take a stand against such dominance, a large part of language policy scholarship (mainly originating in the US) has remained limited to research published in English. An example of this irony is 'Language Policy' (Johnson 2013), the first study in the last three decades that – to a large extent – offers a comprehensive overview of language policy and planning as a discipline.[4] The drawback of Johnson's work is that it does not discuss works of many notable researchers from Europe (Jeroen Darquennes, Peter Hans Nelde, Miquel Strubell, Jiří Nekvapil, to name a few).[5] Viewed from the perspective of Indian scholars, policy research, as well as its historiography, has been centred around theories and models emanating from the 'West' (Singh 1995), while the works of scholars who are not from the US or Europe cannot be easily found in the historiographies produced by European or US-American scholars. Trying to solve the 'language problems of developing nations' was one of the key aims of language policy scholars in the 1960s and 70s, but representative works such as Ricento's (2000) essay, which can be seen as a benchmark for explaining the historical development of the field, do not consider how the views of these scholars were received by scholars in 'developing nations', and how non-European or non-US-American scholars perceived the language-related issues of their respective countries.[6] The concept of 'difference' lies at the heart of the debate here, as scholars from India have pointed towards the 'difference in perception of the traditions of scholarship'.[7] Singh (1995: 45) argues that 'many of the scholars from the West have approached language problems of the developing nations with a simplistic formula on ideas of language as a unifying or divisive force'.[8] Moreover, Pattanayak (1981) argues that 'while a Western scholar faced with massive linguistic heterogeneity would start

[4] The first ever introduction to the field 'language policy and planning' in monograph form was, to my knowledge, published by Carol Eastman (1983). Eastman's *Language Planning: an Introduction* was criticised by Joan Rubin (1985) for misinterpreting the existing literature, and fundamental concepts such as 'language planning', 'language treatment', etc.

[5] See Darquennes (2007), Nelde (1987, 1990, 2003), Nelde/Strubell/Williams (1996), and Nekvapil/Nekula (2008).

[6] My observation on the significance of Ricento's (2000) essay is based on the impact it has created in scholarship. A number of researchers have drawn or built upon Ricento's narrative e.g. Wright (2004), Wee (2011), and Johnson (2013).

[7] 'Difference' is a crucial concept, especially if we look at the debates between proponents of subaltern studies and those opposed to it (cf. Workman 2016). While I argue for the importance of subaltern views, I do not adhere to an essentialist view of 'difference'. As far as Indian language policies are concerned, they can and should be analysed by scholars of any background because research benefits from diversity of opinions. However, it is important to consider Indian views when writing on India and, as Ricento (2000: 5) argues, researchers should be aware of their political and epistemological biases.

[8] Singh (1995) refers here to Kelman's (1971) postulate of 'language as a unifying force' and 'language as a divisive force'.

with a "why" question, the Eastern scholar being accustomed to living within a plural situation would start with an explanation of 'how' the communication pattern was organised in such a nation'.[9] A telling example of 'difference in perception' would be Nelde's (1987) maxim, also referred to as 'Nelde's law' by de Bot (1997), which states that 'there can be no contact without conflict'. This is in stark contrast with the views of some Indian scholars, who present linguistic minorities as a 'cohesive force in the Indian federal process' (Chaklader 1981).

Since the focus of my thesis is on questions of power and ideology, I consider it important to offer an overview of the role of the concepts 'power' and 'ideology' in language policy research, especially because over the last six decades the ideological view of researchers has moved away from political neutrality, and the focus of research has increasingly shifted towards questions of power, ideology, and hegemony. Although Ricento (2000) does not consider how researchers from non-European or non-US institutions viewed the 'solutions' offered by their counterparts in Europe or the US, it is still highly relevant because it offers an overview of the paradigm shift in LP research in Western scholarship in the last sixty years. In the following, I shall explain – using Ricento's narrative – the development of the field, which may be divided into three phases. The first phase of language policy research lasted from the post-WWII period until the end of the 1960s; the second period covered the early 1970s until the late 1980s, and the third period started roughly in the mid-1980s and is still ongoing.

1.2.2 First phase of language policy research

The first phase was initiated by a group of scholars in the US (Joshua Fishman, Charles Ferguson, Joan Rubin, Björn Jernudd, Jyotirindra Das Gupta, Wilfred Whiteley, and Einar Haugen) who exhibited a great interest in the language situation of the countries that emerged after the end of colonialism (Ricento 2000: 9-10). The expertise of linguists had been enlisted in many parts of the world to develop grammars, writing systems, and dictionaries for indigenous languages, and scholars trained in structural linguistics with interests in language typologies and sociolinguistics realised the potential for advancing linguistic theory and exploring language-society connections in 'new ways' (ibid.). According to Ricento (ibid.), research in this phase was marked by

[9] My own stand on this issue is that the 'linguistic heterogeneity' is as much a European phenomenon as in any other part of the world, however such heterogeneity has been subjugated by the ideology of standardisation.

‘predominance of structuralism in the social sciences’, and there was a ‘pervasive belief’ that ‘language problems could be solved through planning, especially within the public sector’. Blommaert (1996: 201) notes that researchers working on language issues in this period saw ‘an opportunity to see their scientific endeavours translated into hard political decisions and to have their work sponsored by state governments and international organizations’.

Seen from the perspective of the newly independent countries, there was the need to rid themselves of colonial heritage, as the language of the former colonial power was often seen as ‘a vestige of colonial oppression’ (ibid.). The works of scholars from this era were also marked by a ‘modernisation paradigm’.[10] Fishman (1968: 492) posits, for example, that the ‘transition from tradition to modernity and from localized ethnicity to large scale nationalism will require the acquisition of a foreign tongue’. Fishman (ibid.) associates the local languages with ‘tradition’, while he describes the languages of former colonial powers as ‘modern’.[11] Such views have been criticised by Ricento (2000), who points out that ‘a widely held view among Western(ized) sociolinguists in this period was that linguistic diversity presented obstacles for national development, while linguistic homogeneity was associated with modernization and Westernization’.

1.2.3 Second phase of language policy research

The second phase, according to Wee (2011: 11), was ‘a period of disillusionment’ in the wake of language policy failures in the 1980s and 1990s that opened the way for a more critical appreciation of the role that language and linguists play in society. The ‘grand projects’ in developing countries disappeared during the 1980s because of a lack of interest, resources, or political importance (Blommaert 1996: 203). Language planning experts reoriented their work away from the creation of policies and plans towards the implementation of experimental and mostly small scale non-governmental projects, and towards assessments of past experiments and current situations (ibid.). The enthusiasm for language planning as an academic subject ‘faded’ in the wake of the collapse of state systems and economies in the third world (ibid.).

[10] Sonntag (1996: 77) uses the term ‘modernisation paradigm’ to describe the set of ideas that dominated political science in the 1960s. This paradigm depicted ethnicity as a ‘remnant of tradition inevitably declining in significance as cultural rationality and national integration developed’.

[11] The most controversial statement on the interrelationship of languages and ‘modernity’ was given by Tauli (1968: 51) who portrayed ‘ethnic languages’ as ‘primitive’. Whether Tauli’s views can count as representative of the period is contentious, since even his contemporaries distanced themselves from such remarks (cf. Jernudd/Das Gupta 1971: 198).

The epistemological changes can be seen at three levels: at the level of the social sciences, linguistics, and research on language policies. Wright (2004: 9) describes such epistemological changes as 'a reaction against too optimistic a belief in progress'. In many states, as Wright (ibid.) posits, Western solutions were rejected as 'neo-colonialist', and in the West itself, a widespread questioning of the establishment and hierarchical structures took place. These changes were also reflected in linguistics, as fundamental concepts such as 'native speaker', 'mother tongue', and 'linguistic competence' were problematised, and the role of autonomous linguistics as a viable paradigm for research in language acquisition, use and change was questioned (Ricento 2000; Paikeday 1985). The changes in language policy research were marked by abandoning of ideas such as modernisation and nation building (Wright 2004: 8). Researchers turned their attention to the socio-political and economic effects of language contact, concentrating particularly on issues of advantage/disadvantage, and status (ibid.). This withdrawal of language policy researchers from the role of expert consultant was accompanied by an internal criticism of the field by scholars who pointed out that by viewing language policy and planning as 'an essentially technocratic process of efficiently administering resources so as to achieve specific goals', little consideration had been given to questions of how such processes might help sustain dominance and dependency relations between groups (Wee 2011: 12).

1.2.4 Third phase of language policy research

Ricento (2000: 16) argues that the third phase is difficult to characterise, as it is 'still in its formative stage'. At the same time, he notes that the 'influence of both critical and postmodern theories and research methods is evident' in this stage. In the 18 years since Ricento's publication, this research field has witnessed a number of developments. For example, the critical perspectives which Ricento (ibid.) mentions have led to the emergence of what is now termed 'critical language policy', the foundations of which were laid by Tollefson (1991) in his book *Planning Languages, Planning Inequality*, where he defines language policy as 'a mechanism by which the interests of dominant socio-political groups are maintained' (Tollefson 1991: 32). Tollefson (ibid.) employs what he terms the 'historical-structural approach' (henceforth HSA) to focus on the social and historical influences that give rise to language policies. In contrast to the 'neo-classical approach' which positions itself as 'scientifically neutral' (ibid.) and

views ‘individual language decisions as shaped by rational cost-benefit calculations’ (Tollefson 2015: 141), HSA ‘seeks to understand how individuals and groups are coerced into language acquisition, language loss, and patterns of powerful external forces that control the processes of policymaking’ (ibid.). Due to its focus on questions of power and inequality in policies and policymaking, HSA is central to my theoretical framework. Another important work from the third phase which adds to the discussion on power and inequality is Shohamy’s (2006) work on ‘hidden agendas’ in language policies. Shohamy (2006) analyses ‘language policy mechanisms’, which could be either overt or covert, such as language testing, and discusses how they can often lead to violations of democratic processes and language rights. Shohamy (2006: xvii) examines how ‘a naive mechanism such as a street sign, a school language test, a school language policy or a citizenship test create actual practices, often with no official declaration’. The ‘covert – overt’ duality and the concept of hidden agendas are central to this thesis, as apart from examining overt policies, it also looks at the promotion of certain languages over others through covert means.

A final point concerns the interplay of structure and agency. The structure-agency debate emerged within sociological theory to address the problem of how social structures determine what individuals do, how structures are created, and what the limits are on individuals’ capacities to act independently of structural constraints (Abercrombie et al. 2000: 9; Giddens 1979). Within policy research, the structure-agency debate is reflected in the increasing focus on power at micro-levels. For example, while Tollefson (1991) was primarily focused on macro-level power, Tollefson (2013: 29) also considers how the actors at micro-levels resist the inequality induced by macro-level policies. Such a change of perspective has been facilitated by the incorporation into policy research of Foucauldian theory of resistance, according to which the relationship between individuals and institutions is not only that of oppression, but also of resistance (Mills 2003: 50-52). In view of this epistemological shift, Johnson (2013: 18) calls for a balance between a critical conceptualisation of policy as a mechanism of power and a grassroots understanding of the power of language policy agents to interact with policy processes.[12] As examining power at both macro- and micro-level policies is beyond the scope of this dissertation, I focus only on power in macro-level policies, and do not examine micro-level policies. Micro-level

[12] Examples of recent works that focus on power at micro-levels are located mainly within ethnographic research e.g. Cincotta-Segi 2009, Chimbutane 2011.

policies are equally important, but to make the thesis more precise, their discussion will be minimal. However, wherever resistance from micro-level actors is strong enough to cause modifications in official policies, they will be discussed.

1.2.5 The text-context divide

A key problem of contemporary research on language policies is its overemphasis on contexts, which has led to the problem of policy texts being ignored by theoreticians. This problem can be termed the 'text-context divide'. Moreover, even if a study includes policy texts, its focus tends to remain limited to a few texts which receive a lot of attention. For example, a discussion of texts related to EU language policies is likely to discuss the European Charter for Regional or Minority Language (henceforth ECRML), but might exclude a number of other EU regulations, directives, and decisions, which are equally important for understanding EU policies. I call such policies, which do not receive enough scholarly attention, 'less discussed policies'.

The 'less discussed policies' mainly comprise legislative texts such as acts, orders, directives, regulations, etc. The main reason for statutes not being discussed enough is related to the fact that they mostly focus on other issues (such as media) and do not explicitly mention 'language' in their titles. These statutes, which are indirectly related to language use in different policy domains, can be crucial for understanding state policy on language. For example, hardly any work on the language policies of the UK has reported on the phenomenon of determining 'British-ness' on the basis of language. This phenomenon can be found in statutes such as the *Films (Definition of "British Film") Order 2006*, or the *Cultural Test (Television Programmes) Regulations 2013*, etc. The purpose of these orders and regulations is to determine whether a film, a video game, or a television programme may be certified as 'British' because certification of a programme as 'British' makes it eligible for tax relief under the *Corporation Tax Act 2009*. Language is one of the criteria for determining whether a film or a TV programme is 'British', and the languages which constitute a British identity according to the statutes mentioned above include British Sign Language, Cornish, English, Gaelic, Irish, Scots, Ulster Scots, and Welsh. In a similar way, my research on UK statutes on Welsh shows that there has been a gradual democratisation in the UK since the 1950s as far as the use of Welsh in public domains is concerned (Chapter 4).

In light of these epistemological gaps, I emphasise that texts, especially statutes, are as important as contexts for gaining a thorough understanding of language policies, and the best way to analyse language policies is to use a combination of texts and contexts. The contexts that I refer to include historical, socio-political, and economic factors which lead to the formulation of language policies in a given polity. These factors could be so diverse in nature, especially when comparing polities such as India, that answering questions using texts alone could be difficult. For example, after WWII, Luxembourg wanted to replace the use of German by Luxembourgish in public domains, and introduced spelling reforms to standardise the orthography of Luxembourgish. However, this initiative was not accepted by the public which prompts one to ask why such initiatives were rejected even though the immediate post-war era in Luxembourg was imbued with anti-German sentiment because of the Nazi occupation of Luxembourg during WWII. An answer to this question can only be reached by examining the context (i.e. the historical, socio-political, and economic factors). In view of the texts and contexts discussed in this section, I argue that LP research needs to combine texts and contexts in order to gain a better understanding of language policies.

1.3 Research questions

As discussed, this dissertation focuses on the role of power and ideology in the formulation and implementation of language policies in the EU and India. In particular, I examine which languages are promoted at the expense of others. The analysis will look at the promotion and neglect of different languages both at the textual level and at the level of contexts. The second goal of the thesis is to explore the implications of comprehensive comparative research for language policy research in general. As discussed above, the lack of comparative analyses has led to gaps in the epistemology of language policy research, and this thesis examines how these gaps can be addressed. To summarise, the following three sets of questions will be central to the thesis:

(i) What is the role of power and ideology in the formulation and implementation of language policies in the EU and India? How deterministic are the macro-level policies?

(ii) Which languages are promoted at the expense of others? To what extent is the selective promotion of a given language or different language(s) in a polity visible at the level of texts and contexts?

(iii) What implications does the comparative perspective have for language policy research? What can a comparison of the language policies of the EU and India contribute to language policy research in general?

1.4 Theories and concepts

1.4.1 Power, ideology, and hegemony

Ricento (2006: 10) observes that there is no overarching theory of language policy and planning. Similarly, Tollefson (2013: 25-26) notes that the wide range of conceptual frameworks concerning language policies does not constitute a theory of language policy. The reason behind the lack of an overarching theory is partly 'the complexity of the issues which involve language in society' (Ricento 2006: 10), and partly the 'incredulity of metanarratives' propounded by Lyotard (1984: xxiii). Ricento (2006: 12) advises investigating language policies using 'domains of inquiry' which for him is a better way to approach the field than 'theories of language policies', since researchers tend to ask questions about particular issues which involve language matters, rather than searching for data to support some a priori theory.[13] However, even issue-driven approaches need some kind of theoretical foundation in order to address their objects of inquiry. Since my work focuses on questions of power and ideology, I employ Tollefson's (1991, 2013, 2015) 'Historical-Structural Analysis' which views language policies as a mechanism by which class-based power and inequality are maintained. However, as opposed to Tollefson, I do not assume that socio-political structures are essentially deterministic. While I agree with the theory that macro-level power has the ability to determine micro-level events, I use the analysis of policy domains to assess the deterministic nature of macro-level power.

In view of the 'domains of inquiry' chosen for this thesis, I briefly discuss the concept of 'power' here. There are two key definitions of power. First, in political analysis, 'power is usually thought of as a relationship; that is, as the ability to influence the behaviour of others in a manner not of their choosing' (Heywood 2000: 35). It is referred to in terms of having 'power over' others (ibid.). Power thus exists 'when A gets B to do something that B would not have otherwise done'. The other important definition of power comes from Foucault who views it as a 'process'. According to

[13] Ricento's (ibid.) use of the term 'domains of inquiry' does not refer to actual policy domains such as administration or education. As stated above, Ricento's term refers to 'particular issues which involve language matters'.

Foucault (1978: 92), power must be understood as 'the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization', and as 'the process which, through ceaseless struggles and confrontations, transforms, strengthens, or reverses them'. I do not view power as a relationship or a process. In common with Heywood (2000), I see it as the 'ability to influence', but I do not agree that it is a 'relationship'. Rather, the ability to influence is a product of structural relations. Moreover, power also influences the operational mechanisms of socio-political systems rather than simply influencing the 'behaviour of others'. What these definitions do not add is that power is susceptible to changes. This susceptibility is contingent upon two factors: time and system. I see power as a time- and system-bound phenomenon. To sum up, I view the power of any actor within a system at any given point in time as the ability of the actor to cause a change s/he desires within the system at that given point in time irrespective of the outcome of such change for other members of the system.

The second key concept used in this thesis is ideology. The meanings of the term 'ideology' have varied in accordance with its usage in Marxist literature.[14] Studer et al. (2008) differentiate between 'Marxist' and 'neutral' definitions of the term. However, it is better to use 'non-Marxist' instead of 'neutral' because the word 'neutral' could be seen as an epistemological bias. Karl Marx and Friedrich Engels define 'ideology' as 'an inverted perception of reality' and as 'false consciousness' (Marx/Engels 2010; Hamati-Ataya 2015). 'False consciousness' refers to an individual's or a group's distorted perception of themselves, the world, or their social condition, that conceals from them some important realities to which they are subjected (Hamati-Ataya 2015). Such distorted perceptions of reality are used to promote political passivity among subordinate classes, and further the interests of the ruling class (Heywood 2000: 23). The non-Marxist definitions of ideology view it as a coherent set of ideas that provide the basis for some kind of organised political action (ibid.). Hodge/Kress (1993: 15) define 'ideology' as a 'comprehensive and coherent social perception of the world', whereas van Dijk (1998: 24) interprets the social functions of ideologies as 'the co-ordination of the social practices of group members for the effective realisation of the

[14] The term 'ideology' was originally coined by Pierre Cabanis (1747-1808) and Antoine Louis Claude Destutt de Tracy (1754-1836) for studying how ideas are generated (Bhaduri/Malhotra 2010: 44). Drawing on Étienne Bonnot de Condillac's (1715-80) theory of 'sensationalism', Cabanis tried to show how physical sensibility is the basic factor in the generation of knowledge (ibid.).

goals of a social group, and the protection of its interests'. I adhere to a non-Marxist view of 'ideology' as the Marxist view does not explain why the subordinate group would have an ideology opposed to its interests, while the dominant group has an ideology that promotes its interests.

The question that remains unanswered by the Marxist view of 'ideology' is addressed by the concept 'hegemony' which was introduced by Gramsci (1971) to describe a situation in which the dominant group leads the subordinate group to believe that their subordination is for their benefit (cf. Mills 2003: 75). Gramsci's concept of 'hegemony' addresses some of the phenomena that the Marxist interpretation of 'ideology' describes, but adds to 'ideology' a focus on institutions and daily practices as well as ideas and belief systems (Ives 2004: 14). One of the first terms in language policy research to incorporate 'hegemony' was Tollefson's (1991: 16) 'language planning-policy' which refers to the institutionalisation of language as a basis for distinctions among social groups (classes). Tollefson (ibid.) views language policy as a mechanism for locating language within social structure so that language determines who has access to political power and economic resources. Language policy is further viewed as a mechanism by which dominant groups establish hegemony in language use (ibid.).

While I agree that language policy could be a mechanism to establish hegemony in language use, this view of language policy is not universally applicable because efforts to impose a language (or a variety) in a polity can be met with resistance from speakers of other languages or varieties. It is useful to analyse these ideas using two examples. First, the plan of the Indian government to implement Hindi as the only official language was opposed by speakers of other languages, and even though the central government has continued to promote Hindi throughout the country, such measures cannot be termed 'hegemonic' because speakers of languages such as Tamil, Bengali or Marathi do not view the dominance of Hindi as reflecting their interests. The second example concerns a case in which the speakers of different varieties of Hindi from a certain state prefer Hindi, but it still cannot be deemed a case of hegemony. In 2007, speakers of varieties such as Mewari, Harauti, Malvi, and Dhundhari, which are spoken in Rajasthan, protested against the proposal to make Marwari, another variety of Hindi spoken in the region, the official language of Rajasthan because they feared that it would disadvantage them in terms of employment opportunities (Sharma 2015: 44).

These examples offer evidence that ‘hegemony’ is not necessarily a characteristic of ‘language policy’ because micro-level actors may resist the policies devised by dominant groups, and therefore, I prefer the terms ‘power’ and ‘ideology’ to ‘hegemony’ for analysing policies.

1.4.2 Terminological issues

The paradigm shift in LP research towards questions of power and ideology is also reflected in the terminology used by language policy scholars because several new terms have been proposed, and the existing terms have been redefined to adapt to the epistemological changes. A telling example concerns the naming of the discipline itself, as language policy researchers have long debated how ‘language policy’ and ‘language planning’ differ from each other. Schiffman (1996: 3) considers it ‘unfortunate’ that ‘in the literature on language policy and language planning these two topics are treated as one’. Tollefson (1991) and Kaplan/Baldauf Jr (1997) have portrayed ‘language planning’ as superordinate to ‘language policy’, while Spolsky (2004), Shohamy (2006) consider ‘language policy’ the superordinate category.

The term ‘language planning’, coined by Haugen (1959), was dominant in the early phase of language policy research. Haugen (1959: 8) defines it as ‘the activity of preparing a normative orthography, grammar, and dictionary for the guidance of writers and speakers in a non-homogeneous speech community’. Haugen focuses mainly on language corpus, and ignores the question of status. This drawback is addressed by Kloss (1969: 81) who distinguishes between ‘corpus planning’ and ‘status planning’. ‘Corpus planning’ concerns the corpus of a language, while ‘status planning’ focuses on the standing of a language ‘alongside other languages or vis-à-vis a national government’ (ibid.). Despite Kloss’ systematisation, terminological vagueness has not completely disappeared because of (i) epistemological changes, (ii) the introduction of new terms such as ‘language policy’, and (iii) the continuous re-interpretation of both old and new terms in accordance with epistemological changes. In current research ‘language policy’ has taken the meaning of ‘status planning’. For example, Grin (2003: 28) argues that ‘language planning’ emphasises ‘intervention on a language itself (spelling reform or terminological development)’, while ‘language policy’ tends to emphasise ‘intervention regarding the position of a language vis-à-vis other languages’. The key difference between Grin’s and Kloss’ definitions is the concept of

'intervention' which underlines the role of power in the formulation and implementation of language policies. I agree with Grin's approach of defining 'language policy' from the perspective of power relations. However, as discussed in §1.2.4, the thesis views power as being located at both macro- and micro-levels.

My final point concerns the approach used to define 'language policy' in the literature. The existing definitions take a functionalist view of 'language policy' i.e. they focus on 'what does policy do?' (cf. Kaplan/Baldauf Jr 1997). I take an ontological view of 'language policy' i.e. 'what is policy?'. The ontological perspective defines language policies as a process.[15] I see policies as a constant interaction between actors at the macro- and micro-level. I disagree with the theories which describe language policies as static. Policies are dynamic and always open to change. The materiality of policies is realised through policy documents such as statutes, and concrete measures such as multilingual street signs. The materiality of policy is constantly (re)produced through the process of interaction between macro- and micro-level policies.

1.5 Methods

1.5.1 Historical-Structural Analysis

In light of the text-context divide I employ different methods for examining power structures in texts and contexts. The method I have chosen for investigating the contexts is called the 'historical-structural approach' (Tollefson 1991, 2015). HSA views language policies as a mechanism by which class-based power and inequality is maintained, and focuses on the historical and structural factors that lead to policies which sustain systems of inequality (Tollefson 2015: 141). 'Power' here refers to 'the ability to achieve one's goals and to control events through intentional action' (Tollefson 2015: 142). HSA defines 'dominant groups' as 'those that are able to expand their range of options such as educational and employment opportunities'. The options of dominated groups are constrained relative to others with whom they share social relations (ibid.). Contrary to the 'neoclassical research' in LP which focuses on individual choice and agency, HSA examines 'the historical and structural factors affecting power relations that constrain individual choice' (ibid.).

[15] Researchers using an ethnographic approach such as McCarty/Collins/Hopson (2011: 335) have described policy as a 'sociocultural process', which includes 'the complex of practices, ideologies, attitudes, and formal and informal mechanisms that influence people's language choices in profound and pervasive everyday ways'. My definition differs from McCarty/Collins/Hopson (2011) because for me the 'process' refers to the interaction between macro-level policies and micro-level actions and policies, whereas the definition proposed by McCarty/Collins/Hopson (2011) seems to focus on the micro-level.

HSA focuses on two kinds of factors: historical and structural. An investigation of historical factors focuses on how historical processes are linked with language policies that contribute to (or undermine) language-related hierarchies. Tollefson (2015: 141) views colonialism as an important historical factor in many postcolonial settings (such as Hong Kong, Kenya, Malaysia), where language status can be explained with reference to the history of colonial language policies, and in former colonizing states, where specific language issues are prominent due to historical factors associated with colonialism e.g. the status of South Asian and Caribbean languages in the United Kingdom. As far as 'structural factors' are concerned, Tollefson (ibid.) posits that they are 'conceptualised in different ways, depending on the ideological framework of the research and the researcher'. The variables of structural research include class-based power, race, ethnicity, gender, institutional forms and practices, and the international division of labour amongst others. The structural factor that I have chosen is 'language hierarchy', which will be assessed on the basis of selective promotion of languages in terms of official recognition, and the financial support offered to languages in different domains such as education or media. However, I also seek to find out other structural factors that shape language policies in the EU and India. In order to access the historical and structural factors related to the language policies of these polities, I use a combination of secondary and primary sources. For example, for understanding the historical context of Luxembourg, I made use of the seminal sociolinguistic works on Luxembourg's policies (Horner/Weber 2008, Newton 1996a, Newton 1996b), and as they all referred to Newcomer (1984), I consulted it in order to acquire a better understanding of Luxembourg's history.

According to Tollefson (2015), a good example of historical structural research is Gao's (2011) analysis of the poor performance of South Asian students in Hong Kong (henceforth HK) schools. Gao (2011) investigates the historical and structural factors behind the fact that relatively few South Asian students remain in school through upper secondary levels and even fewer continue to university. Gao's analysis consists of two key steps. First, she documents the situation of South Asian students and their families in HK. In order to do so, she consults the census data for the HK population, the surveys of South Asian language, education, and employment in HK, and additional studies of ethnic and linguistic attitudes. These data reveal that the South Asians face unequal educational and employment opportunities and outcomes. Gao's second step is to look

at the historical and structural factors behind such inequality. The historical factor is related with the colonial history of HK, while the structural factor is the socioeconomic inequality resulting from the current language policies.

The strength of HSA is that it offers a framework for working on historical processes and the structures of inequality, which is important given the lack of a solid methodology for LP research. One of the main weaknesses of HSA is that its access to texts is limited because it does not offer guidance on how to uncover the power structures hidden within texts. The thesis addresses this limitation by supplementing it with Critical Discourse Analysis. A second problem is that HSA is confined to questions of power and inequality. However, this criticism does not apply to the dissertation because analyses of power is a goal the thesis has in common with historical-structural research. The disagreement between this thesis and HSA lies in the latter's conception of language policies, as it views language policies as a mechanism of perpetuating inequality, which, in my opinion, is a function of policy, but not policy itself. Contrary to the functionalist approach of HSA, the thesis assumes an ontological perspective and defines it a process (i.e. as an interaction between macro- and micro-level plans and activities).

1.5.2 Critical Discourse Analysis

The method that I employ to study policy texts is 'Critical Discourse Analysis' (hereafter CDA). The goal of CDA, according to Wodak et al. (2009: 8), is 'to unmask ideologically permeated and often obscured structures of power, political control, and dominance, as well as strategies of discriminatory inclusion and exclusion in language use'. Wodak et al. (ibid.) argue that CDA assumes a dialectical relationship between discursive acts and the situations, institutions and social structures in which they are embedded: situational, institutional and social contexts shape and affect discourse, and, in turn, discourses influence social and political reality. In other words, discourse constitutes social practice and is at the same time constituted by it. It will be one of my goals to look at this dialectical relationship while analysing the language policy texts of the EU, India, and the four case studies (see §1.6), and examine whether the language policy texts in these polities influence and are influenced by the situations, institutions and social structures in which they are embedded.

A good example of CDA is Wodak et al.'s (2009) 'Discursive Construction of National

Identity', which examines the discursive mechanisms used to construct the narrative of national identity. The work done by Wodak et al. (2009) is rooted in Anderson's (1983) idea that nations are imagined communities. Wodak et al. (2009) examine how this idea is reflected in language. Specifically, they explore the construction of an Austrian identity by focusing on the following five themes: (a) the linguistic construction of the 'homo Austriacus'; (b) the narration and confabulation of a common political past; (c) the linguistic construction of a common culture; (d) the linguistic construction of a common political present and future; and (e) the linguistic construction of a 'national body'. The discursive construction of an Austrian identity is assessed by investigating the occurrence of these themes in politicians' speeches, media discourses, semi-public discussions, etc. Wodak et al. (ibid.) focus primarily on lexical units and syntactic devices which 'serve to construct unification, unity, sameness, difference, uniqueness, origin, continuity, gradual or abrupt change, autonomy, heteronomy, and so on'.

My investigation focuses primarily on modal verbs in statutes because I argue that legal language contains a highly codified use of modal verbs which is underpinned by power structures. My aim is to investigate the patterns of such codification, and examine whether the codified use of modal verbs is marked by power structures. Second, I examine the patterns of use of modal verbs by questioning which modal verbs are used for which languages. For example, a clause such as 'Gaelic must be used' has a completely different meaning compared to 'Gaelic may be used'. Third, I question whether the use of modal verbs with respect to different languages varies from domain to domain. Finally, I also explore the phenomenon of subversion of modality. Legal texts contain indeterminate expressions such as 'as far as possible' or 'if reasonable to do so' which weaken the sense of obligation expressed by the verbs 'must' and 'shall'. I examine how this subversion of modal meanings affects language use and creates power structures.

The key strength of CDA is that it combines critical theory and discourse analysis, and offers a framework to approach issues of language and power in policy-related discourses. However, CDA is not free from criticism. In the following, I discuss three main criticisms of CDA, and explain how I will address them. First, viewed from an ethnographic perspective, the term 'critical' implies a 'monolithic focus on unequal relations of power, motivated by a characterisation of the intractable discourses of

power operating and circulating outside, which leaves little room for improvisation, subversion, and human creativity' (Johnson 2013: 114). This criticism is addressed by my definition of 'language policy' which views policy as a constant interaction between macro- and micro-level actors. The second criticism of CDA is that it presents the analyst's reading as 'the sole possible reading of the text' (Johnson 2013). Blommaert (2005: 32) argues that 'texts are found to have a certain ideological meaning that is forced upon the reader'. This criticism resembles a 'hermeneutic circle' because CDA is about taking a critical view of discourses, and therefore, if readers are critical of analyses conducted using CDA, as Johnson (2013) and Blommaert (2005) are, they only achieve what CDA aims to do. The third criticism concerns the selection of texts. CDA practitioners are criticised for selecting texts that suit their narrative. This criticism is entirely valid, and in order to address this issue, I focus only on legally binding texts because they are characterised and defined by power relations, and they offer a stable and impartial basis for the selection of policy texts.

1.6 Research design

In order to make the dissertation balanced and focused, two case studies from the EU and India are selected. The criterion for selection is the degree of deviation from the policies prescribed by the central level policymaking bodies in the EU and India. Therefore, I choose the EU member states, in which the implementation of EU policies exhibits maximum and minimum deviation from the EU policies. Similarly, I shall choose Indian states with maximum and minimum deviation from the recommended central-level policies.

1.6.1 Selection of case studies from the EU

The measurement of the degree of deviation from the language policies of the EU will be done using the following two points: (i) protection of regional and minority languages (hereafter R/M), and (ii) language-in-education policies. There are three key points that need to be clarified. First, I have chosen language-in-education policies as the criterion for selecting case studies because, contrary to other policy domains, the level of implementation of EU policies has been investigated in a number of reports, and the relatively greater amount of literature concerning the education domain makes it easier to assess the level of implementation in different member states. Second, the centre-to-state relationship vis-à-vis the power to devise policies is an important factor in the selection of these criteria: the protection of R/M languages and education policies

falls into domains, in which the member states (EU) or states (India) have the authority to devise policies. However, even if the centre takes a secondary role in these domains, the policies recommended by the central level authorities have been so influential that they are widely perceived as the main policies of the EU or India. The third point is related to the second one. The policies proposed by the central-level authorities in the EU and India concerning R/M languages and languages-in-education are not entirely legally binding, but they have been chosen as the main criteria for the selection of case studies because of the impact they have generated on overall language use in these polities.

As far as the first criterion is concerned, the measurement of implementation is based on the ECRML. ECRML is originally a document from the Council of Europe; however, it has been used by the EU as the principal document for protecting R/M languages, even if it is not legally binding. The Charter mentions a list of aims, two of which are 'to protect and promote regional and minority languages as a threatened aspect of Europe's cultural heritage', and 'to enable speakers of a regional or minority language to use it in private and public life' (COE 1992). At the time of selection of the case studies (July 2015), the EU member states that had not signed the ECRML were Belgium, Bulgaria, Estonia, Greece, Ireland, Latvia, Lithuania, and Portugal (COE 1992). The member states that had signed the treaty, but not ratified it include France, Italy, and Malta (COE 1992). However, Italy and Portugal do recognise some languages as 'official' at regional levels. Moreover, the *Délégation générale à la langue française et aux langues de France* names a number of languages as 'langues de France' or 'languages of France' (DGLFLF 2018). These languages include Basque, Breton, Catalan, and Occitan among others. Figure 1 offers an overview of European states with one or more official languages.

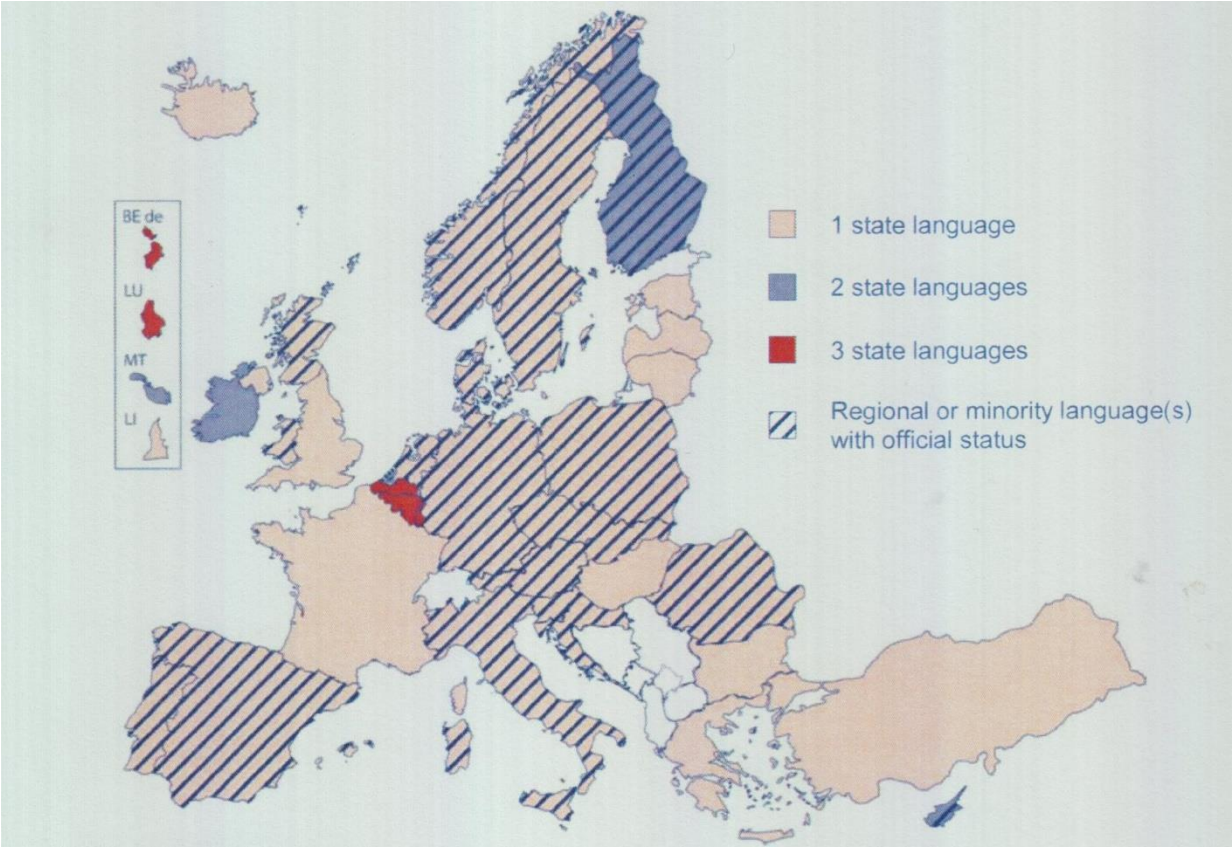


Fig. 1. State languages and R/M languages with official status in Europe (2011) (EACEA 2012: 17)

Table 1 (below) offers a list of languages recognised as 'official' either at the state level or at the regional level in the different member states of the EU.

Country	**State language(s)**	**Regional and/or minority language(s) with official status**
Austria	German	Czech, Croatian, Hungarian, Slovak, Slovenian, Romani
Belgium	Dutch, French, German	
Bulgaria	Bulgarian	
Croatia	Croatian	Albanian, Bosnian, Bulgarian, Czech, German, Hebrew, Hungarian, Italian, Macedonian, Polish, Romanian, Romani, Rusyn, Russian, Montenegrin, Slovak, Slovenian, Serbian, Turkish, Ukrainian
Cyprus	Greek, Turkish	Maronite, Armenian
Czech Republic	Czech	German, Polish, Romani, Slovak
Denmark	Danish	Faroese, German, Greenlandic
Estonia	Estonian	
Finland	Finnish	Romany, Russian, Sami, Tatar, Yiddish
France	French	
Germany	German	Danish, Sorbian
Greece	Greek	
Hungary	Hungarian	Bulgarian, German, Greek, Croatian, Armenian, Polish, Romanian, Romani and Boyash, Rusyn, Slovak, Slovenian, Serbian, Ukrainian

Ireland	English, Irish	
Italy	Italian	Albanian, Catalan, German, Greek, French, Friulian, Croatian, Ladin, Occitan, Provençal, Slovenian, Sardinian
Latvia	Latvian	
Lithuania	Lithuanian	
Luxembourg	German, French, Luxembourgish	
Malta	Maltese, English	
Netherlands	Dutch	Frisian
Poland	Polish	Belarusian, Czech, Kashubian, German, Hebrew, Armenian, Karaim, Lithuanian, Romany, Russian, Lemko, Slovak, Tatar, Ukrainian, Yiddish
Portugal	Portuguese	Mirandês
Romania	Romanian	Bulgarian, Czech, German, Greek, Croatian, Hungarian, Polish, Romany, Russian, Slovak, Serbian, Turkish, Ukrainian
Slovakia	Slovak	Bulgarian, Czech, German, Croatian, Hungarian, Polish, Romany, Rusyn, Ukrainian
Slovenia	Slovenian	Hungarian, Italian
Spain	Spanish	Basque, Catalan, Galician, Valencian
Sweden	Swedish	Finnish, Meänkieli , Sami, Romany, Yiddish
UK (England & North Ireland)	English	
UK (Scotland)	English	Scottish Gaelic
UK (Wales)	English	Welsh

Table 1. State languages and R/M languages with official status in Europe (2011) (EACEA 2012: 18)[16]

This table shows that – except Belgium, Bulgaria, Estonia, Latvia, and Lithuania – all the other member states have given 'official' recognition to a number of their respective R/M languages. There are two important points here. First, the ECRML explicitly rules out 'languages of migrants' from the provisions directed towards protection of R/M languages. Second, even if some countries have recognised certain R/M languages, such recognition might be merely symbolic in certain cases.

The second criterion concerns the implementation of the language-in-education policies of the Union in the member states. The EU prescribes the MT+2 policy to promote multilingualism within the union (Eur-Lex 2011). For assessing the implementation of the MT+2 policy in the member states, I have used the European Commission report

[16] It should be noted that this list is not entirely correct. The UK recognises Irish, Manx, Scots, and Ulster-Scots in addition to three languages (English, Scottish-Gaelic, and Welsh) mentioned in this list. Moreover, Finland also recognises Swedish as an official language. Finally, as mentioned in §1.6, France recognises a number of languages as 'langues de France' even if it has not ratified the ECRML.

titled ‘Languages in Education and Training: Final Country Comparative Analysis’ (EC 2014), which was the state-of-the-art EU report at the time of selection of the case studies (July 2015). The EC Report uses the following three main criteria to assess the extent of implementation in different member states: (i) the percentage of students learning two or more foreign languages (FL) at different levels of school education, (ii) the duration of foreign language learning, and (iii) the number of teaching hours invested in learning foreign languages.[17] In the following, I discuss the first two criteria and omit the third one because nearly all the member states meet the criterion concerning recommended number of hours for FL1 and FL2 (EC 2014: 29).

The percentage of students learning two or more FLs at the primary level, which is classified as ‘International Standard Classification of Education level 1’ (ISCED 1) in the above-mentioned report, is generally low in the EU: only three member states have more than 20% of their students learning two or more FLs (Fig. 2). Luxembourg has the highest percentage of students doing so (84%), while the countries that lie at the bottom of the table are Denmark, the Netherlands, and the UK, with each of them scoring 0%.

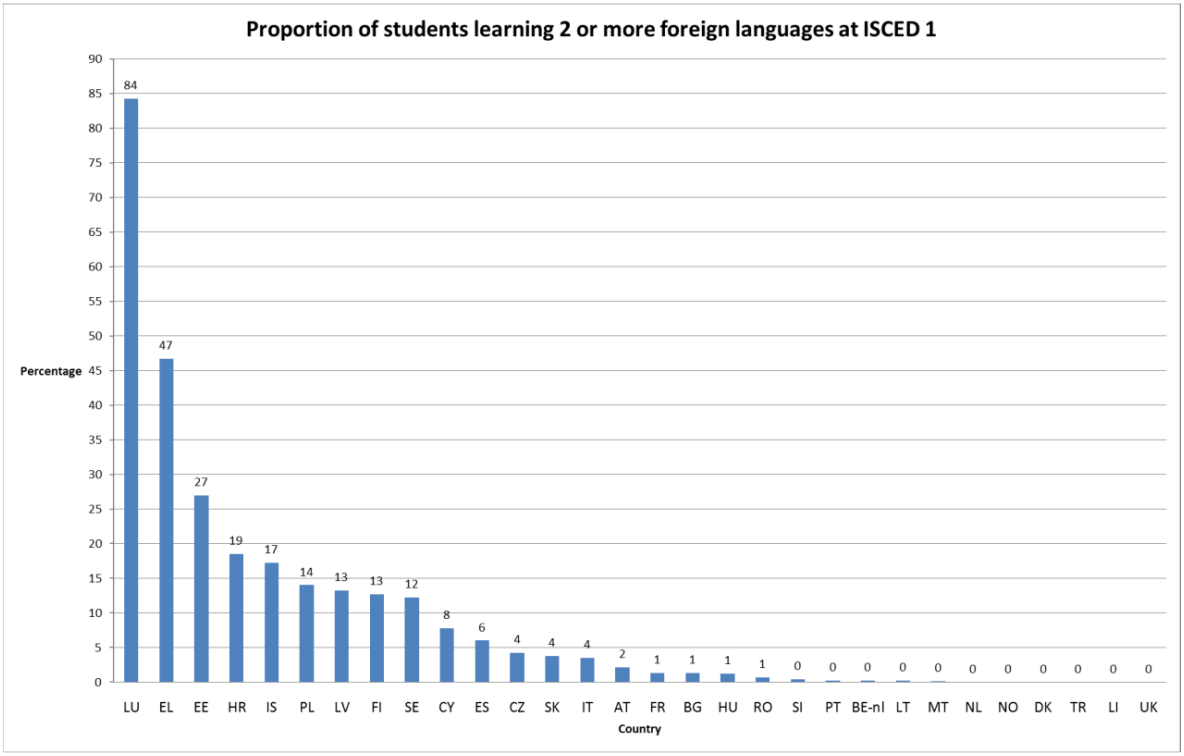


Fig. 2. Proportion of students learning 2 or more FLs at ISCED 1 (EC 2014: 23)

[17] The EC Report also includes data on countries or principalities (e.g. Norway, Iceland or Liechtenstein) that are not members of the EU. I shall comment only on those states that are EU-members.

The member states perform much better when it comes to teaching FLs at the lower secondary level, also termed 'ISCED 2' in the EC report, since there are 7 states where more than 90% of students learn two or more FLs at ISCED 2 (Fig. 3). Luxembourg has the best statistics in this category too, as 100% of its students learn two or more FLs, while the UK lies at the bottom of the table again, since the percentage of students learning two or more FLs at ISCED 2 amounts to zero.

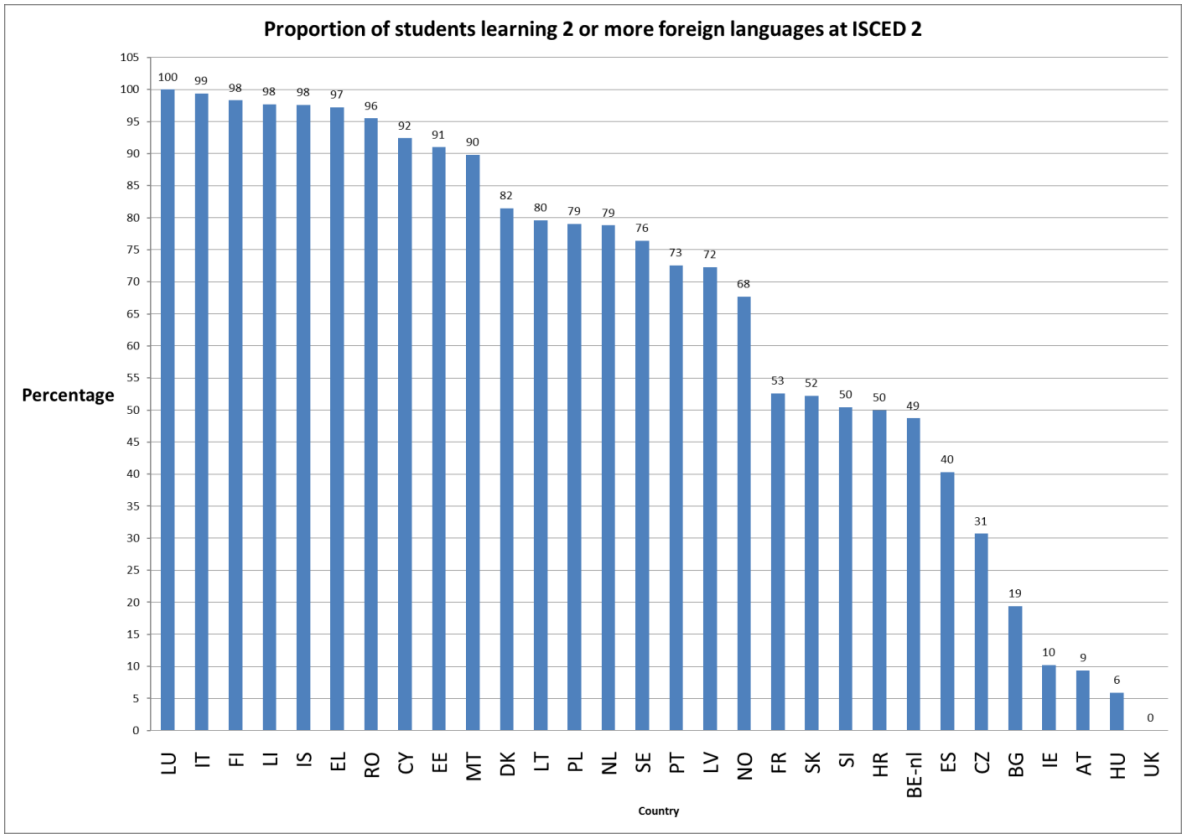


Fig. 3. Proportion of students learning 2 or more FLs at ISCED 2 (EC 2014: 24)

The proportion of students learning two or more FLs improves significantly at the upper secondary level (ISCED 3) in a majority of member states (Fig. 4). More than 90% of students learn two or more FLs in 9 countries (Czech Republic, Luxembourg, Finland, Slovenia, Slovakia, Romania, Sweden, France, and Estonia). In as many as 18 states this percentage is higher than 50%. The countries where the percentage of students learning two or more FLs does not even reach 10% are the UK (4%), Portugal (4%), Greece (6%), and Ireland (8%).

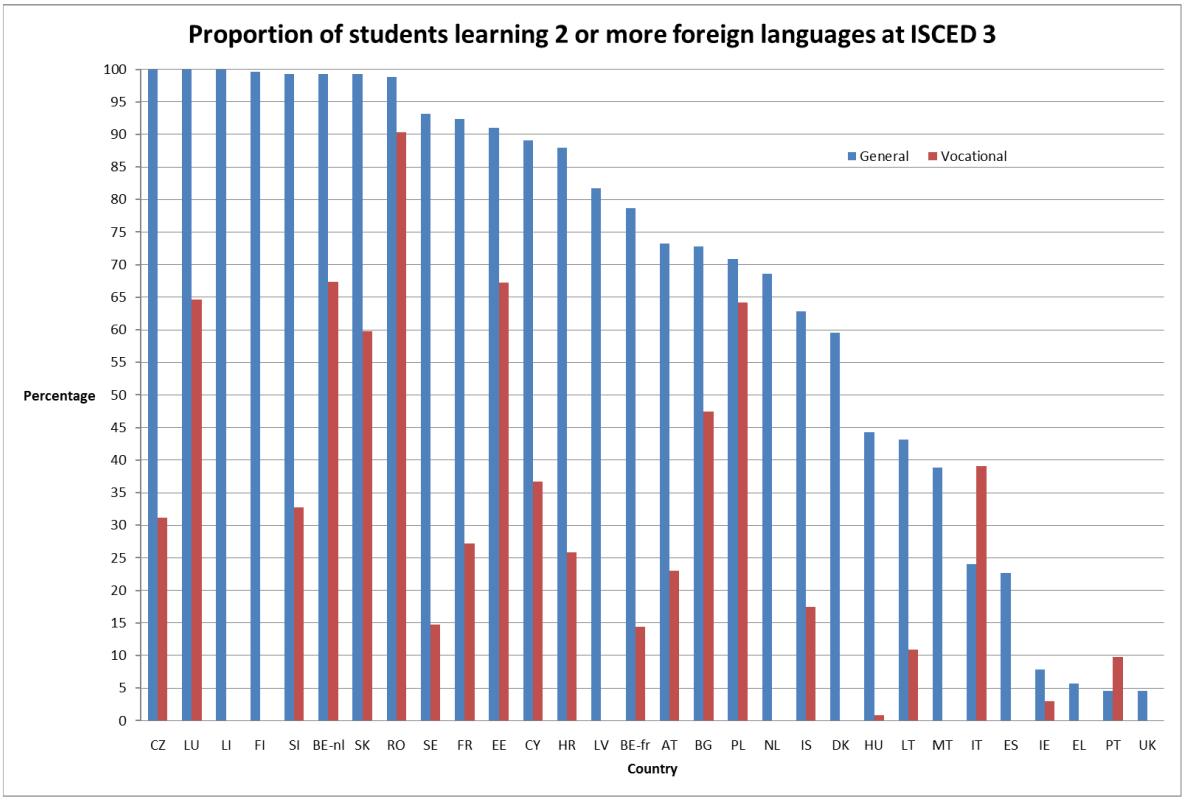


Fig. 4. Proportion of students studying 2 or more FLs at ISCED3 (EC 2014: 25)

The duration of teaching a first foreign language (FL1) as a compulsory subject at primary and lower secondary levels is highest in the Flemish part of Belgium (11 years, Fig. 5). In Cyprus, Greece and Spain, the FL1 is taught for 10 years, while France, Lithuania, Luxembourg, Malta, Poland and Portugal offer 9 years of FL1 teaching (Fig. 5). The smallest amount of FL1 teaching is offered in the UK (3 years, Fig. 5). As far as the second foreign language (FL2) as a compulsory subject is concerned, Luxembourg lies at the top of the table again (8 years of FL2 teaching), while the second-best states are Estonia and Romania (6 years of FL2, Fig. 6). The countries in which the duration of FL2 as a compulsory subject is zero are Austria, the Czech Republic and Hungary. The EC report does not offer data on the UK in this case.

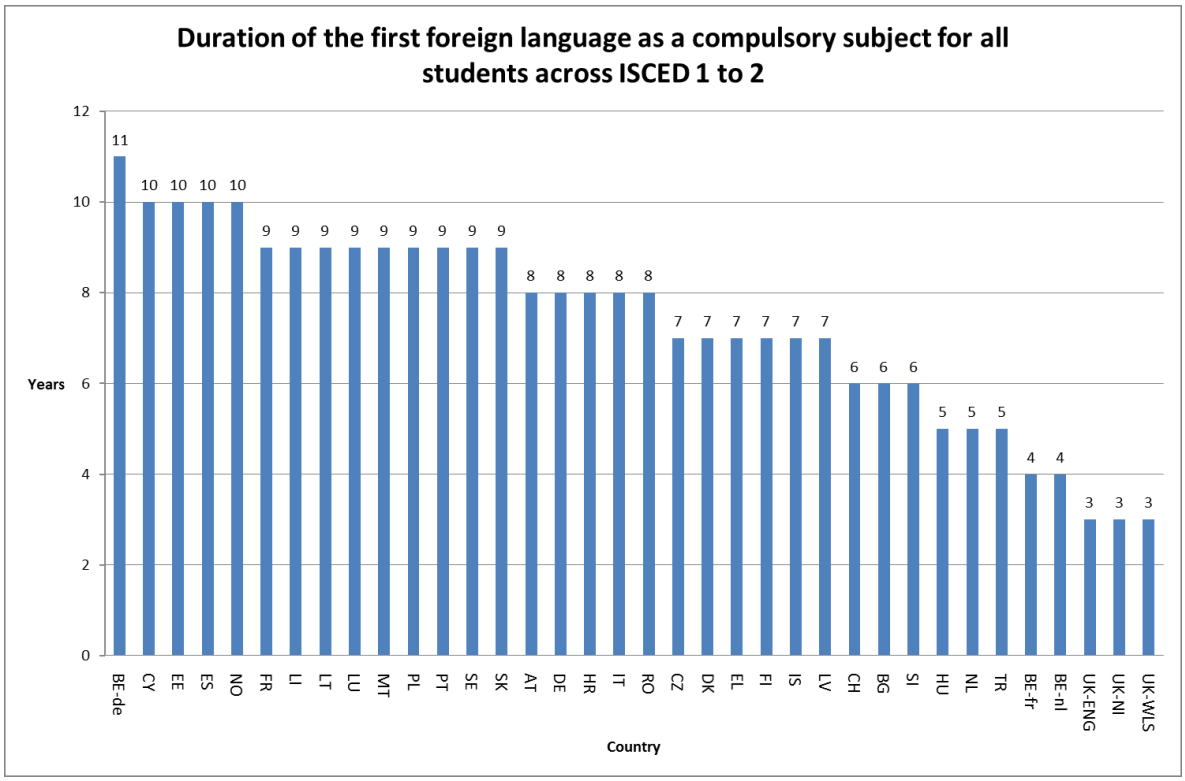


Fig. 5. Duration of FL1 across ISCED 1 to 2 (EC 2014: 18)

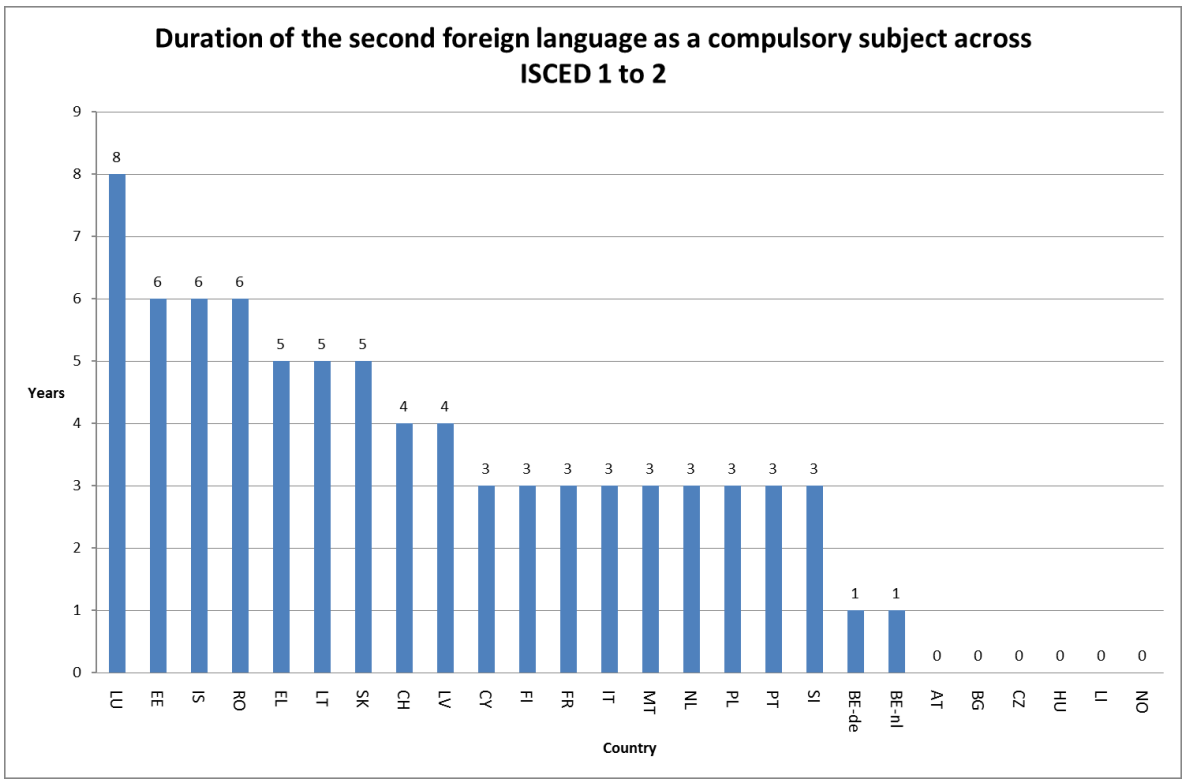


Fig. 6. Duration of FL2 across ISCED 1 to 2 (EC 2014: 19)

On the basis of the statistics presented above, it can be concluded that the member state in which the implementation exhibits minimum deviation from the prescribed policies is Luxembourg, as – apart from showing best figures for language learning – it has also ratified the ECRML. As far as the member state with maximum deviation is concerned, the UK has the lowest figures. However, it is important to note that the UK consists of four countries (England, Northern Ireland, Scotland, and Wales), and as it is beyond the scope of the dissertation to examine policies of all four countries, I will investigate the policies of only one of them. At the time of selection of the case studies (July 2015), Wales reported the lowest figures for foreign language schooling.[18] Tinsley (2013: 12) notes that 'in Wales, foreign languages have never been compulsory in secondary schools and uptake of language GCSEs is the lowest in the UK, representing just 3% of all GCSE subject entries'.[19] On the contrary, in 2012, the proportion of pupils taking foreign language GCSEs in England, Northern Ireland, and Scotland stood at 6.2%, 6.5%, and 8% respectively (Tinsely 2013: 92). Even at A-Level, Wales represents the lowest uptake of foreign languages in the UK (Fig. 7).[20] Moreover, there has been a significant decline (19%) in the uptake of foreign languages (excluding Welsh) at A-Level in Wales. On the basis of these data, I choose Wales as my second case study.

	2009	2010	2011	2012	% difference 2009–2012
England	32,541	31,685	32,397	31,207	-4%
Northern Ireland	1,641	1,752	1,602	1,638	0%
Scotland	7,687	7,746	7,277	7,744	3%
Wales (excluding Welsh)	1,521	1,307	1,255	1,230	-19%
Wales (including Welsh)	2,462	2,168	2,171	2,089	-15%
TOTAL (excluding Welsh)	43,390	42,490	42,531	41,819	-4%

Fig. 7. Advanced Language Entries in the UK between 2009 to 2012 (A-levels in England, Northern Ireland, and Wales, and Highers in Scotland). Source: Tinsley (2013: 90).

[18] As part of her 'Language Trends' series, Teresa Tinsley has published – in co-operation with Kathryn Board – two more reports on language learning in Wales (Tinsley/Board 2016, Tinsley/Board 2017). However, I have referenced on Tinsley (2013) because it was the latest available report at the time of selection of the case studies.

[19] GCSE stands for 'General Certificate of Secondary Education'. It was introduced in 1986 by merging the former qualifications. The purpose was to create a single examination system at 16+. Compared to the former qualifications, GCSE had a larger element of work throughout the period of study, representing a move away from memory and recall towards process skills and a more practically based examination. See Wilson (2011: 114).

[20] A-Level (short for 'General Certificate of Education advanced level'; introduced in 1951) is the qualification that follows GCSE. A-Level generally involves two years of study, and is the pathway to further and higher education. In Scotland, the GCSE equivalent is called 'National 5', and the A-Level equivalent is 'Advanced Higher'. See Wilson (2011).

1.6.2 Selection of case studies from India

The method of selecting case studies from India is the same: the choice concerns the states which exhibit minimum and maximum deviation from central-level policies. Protection of minority languages and the implementation of the three language formula (TLF) are two important criteria here. TLF refers to the teaching of three languages in school, which are mostly the 'mother tongue', English, and another Indian language. Although the COI guarantees school children the right to mother-tongue education, Table 2 shows that mother-tongue instruction for minority languages is a rarity in Indian states.

State	**Classes**	**Medium of instruction**
Andhra Pradesh	I-X	Telugu, English, Urdu, Hindi
Arunachal Pradesh	I-XII	English
Assam	I-V V-VIII IX-X XI-XII	Data not available Data not available Assamese, Bengali, Bodo, Hindi, Manipuri, English Assamese, Bengali, English
Bihar	I-XII	Hindi
Chattisgarh	I-XII	Hindi, English
Goa	I-IV V-X XI-XII	Marathi, Konkani, English, Urdu, Kannada, Telugu, and Hindi English, Marathi, Kannada, and Urdu English
Gujarat	I-XII	Gujarati
Haryana	I-XII	Hindi
Himachal Pradesh	I-VIII IX-XII	Hindi Hindi and English
Jammu & Kashmir	I-XII	English
Jharkhand	I-V VI-XII	Hindi and Urdu Hindi
Karnataka	I-V VI-X XI-XII	Kannada or mother tongue medium is compulsory Kannada, Tamil, Telugu, Marathi, Urdu, and English Kannada and English
Kerala	I-X IX-XII	Malayalam, English, Tamil and Kannada English
Madhya Pradesh	I-VIII IX-XII	Hindi, English, Sanskrit, Urdu, Marathi, and Sindhi Hindi, English, Urdu, Marathi, and Sindhi
Maharashtra	I-XII	Marathi, English, Urdu, Guajarati, Sindhi, Hindi, Kannada, and Telugu
Manipur	I-V VI-VIII IX-XII	Major Indian languages. Generally Hindi, Manipuri and recognised Tribal dialects Major Indian languages. Generally Hindi, Bengali and Manipuri English
Meghalaya	I-V	Mother tongue (Khasi, Garo)

	VI-XII	English
Mizoram	I-VIII IX-XII	English and Mizo English
Nagaland	I-V VI-XII	English, mother tongue English
Odisha	I-X XI-XII	Odiya English
Punjab	I-V VI-XII	Punjabi and English English
Rajasthan	I-V VI-XII	Hindi and English English
Sikkim	I-XII	English
Tamil Nadu	I-XII	Tamil, Telugu, Urdu, Malayalam, English, and Kannada
Tripura	I-V VI-XII	Bengali, English, Hindi, and Kok Barak Bengali, English, and Hindi
Uttar Pradesh	I-VIII IX-XII	Hindi Hindi and English
Uttarakhand	I-XII	Hindi
West Bengal	I-XII	Bengali, Hindi, English, Urdu, Nepali, Telugu, Oriya and Santhali
Union Territories		
Andaman & Nicobar Islands	I-XII	Hindi, English, Bengali, Tamil, and Telugu
Chandigarh	I-XII	Hindi, Punjabi, and English
Dadra & Nagar Haveli	I-XII	Gujarati, Marathi, Hindi, and English
Daman & Diu	I-XII	Gujarati and English
Delhi	I-V VI-XII	English and Hindi English, Hindi, and Urdu
Lakshadweep	I-XII	English and Malayalam
Puducherry	I-XII	Tamil/Malayalam/Telugu/English/French

Table 2. Medium/media of instruction in different Indian states (MHRD 2014a: 8-11)

It is clear from Table 2 that there are only two states (Mizoram and Manipur) that offer teaching in languages which are not recognised as 'official' by the central government. Of these, Manipur is the only state that offers 'tribal languages' as media of instruction in schools.[21] The following table concerns the implementation of the TLF in different Indian states and union territories.

[21] See §6.1.1 for a discussion of the term 'tribal languages'.

Statement–IV Classes in which Hindi/English/State language is taught as a Compulsory/ Optional Subject

Sl.No	State/Union Territory	Hindi		English		State language	
		Compulsory	Optional	Compulsory	Optional	Compulsory	Optional
1	2	3	4	5	6	7	8
1	**Andhra Pradesh**	VI-X	XI-XII	III-XII	-	I-X	XI-XII
2	**Arunachal Pradesh**	I-X	XI-XII	I-XII	-	-	-
3	**Assam**	V-VII	XI-XII	IX-XII	-	IX-XII	IX-X
4	**Bihar**	I-XII	-	I-XII	-	I-XII	-
5	**Chhattisgarh**	I-XII	-	I-XII	-	I-XII	-
6	**Goa**	V-X	XI-XII	I-XII	-	I-X	XI-XII
7	**Gujarat**	V-IX	I-IV X-XII	I-IV	V-IX X-XII	-	-
8	**Haryana**	I-XII	-	I-XII	-	-	-
9	**Himachal Pradesh**	I-VIII	-	I-XII	-	-	-
10	**Jammu & Kashmir**	I-XII	N.A.	I-XII	N.A.	N.A.	N.A.
11	**Jharkhand**	I-XII	N.A.	VI-XII	N.A.	N.A.	N.A.
12	**Karnataka**	IV-X	XI-XII	I-X	XI-XII	-	-
13	**Kerala**	V-X	XI-XII	III-XII	-	I-IV	XI-XII
14	**Madhya Pradesh**	I-XII	-	I-XII	-	-	-
15	**Maharashtra**	V-VIII	IX-X	I-X	-	I-X	-
16	**Manipur**	III-VIII	IX-XII	III-XII	-	-	-
17	**Meghalaya**	-	VI-XII	VI-XII	I-V	VI-XII	-

Sl.No	State/Union Territory	Hindi		English		State language	
		Compulsory	Optional	Compulsory	Optional	Compulsory	Optional
1	2	3	4	5	6	7	8
18	Mizoram	V –X	IX - X	I - XII	-	I - XII	-
19	Nagaland	I -VIII	IX - XII	I - XII	-	I-VIII	IX – XII
20	Odisha	VI- VIII	IX - XII	III- XII	-	I-XII	-
21	Punjab	IV-V	-	I-XII	-	I-V	-
22	Rajasthan	I-XII	XI-XII	VI-XII	XI-XII	-	-
23	Sikkim	IV-VIII	IX-XII	I-XII	-	-	-
24	Tamil Nadu	-	-	I-XII	-	I-XII	-
25	Tripura	-	I-XII	I -XII	-	I-XII	-
26	Uttar Pradesh	I-XII	-	VI- VIII	IX-XII	I-XII	-
27	Uttarakhand	I-XII	-	I-VIII	IX-XII	I-XII	-
28	West Bengal	I-XII	VI-VIII	I-XII	-	I-XII	-
29	Andaman & Nicobar Islands	I-X	I-XII	I-XII	-	-	VI-VIII
30	Chandigarh	IV –VIII	IX-XII	I-XII	-	-	-
31	Dadra & Nagar Haveli	IV-VII	I-XII	V-X	-	-	-
32	Daman & Diu	III – IX	X -XII	V - XII	X - XII	I-XII	-
33	Delhi	I-X	XI-XII	I-X	XI-XII	-	VI-XII
34	Lakshadweep	V-X	-	I-XII	-	I-IV	V-XII
35	Puducherry	-	I-XII	I-XII	-	I-XII	-

Table 3. TLF in different Indian states and union territories (MHRD 2014a: 8-11). The Roman numerals represent different years of schooling e.g. class 'I' stands for the first year of schooling, while 'XII' represents the twelfth year. Schooling in India is generally divided into pre-primary, primary (Grades I-V), secondary (Grades VI-X), and higher secondary (Grades XI-XII). See §5.3.4 for details.

As Table 3 shows, almost all the states adopt the TLF. However, Vishwanatham (2001: 318) argues that many states do not follow the formula 'in its true spirit', as many Hindi-speaking states opt for Sanskrit, which is an (almost) extinct language, as the third option (see §5.3.4 for details). This contradicts the principle of the TLF which

aims to promote national integration by encouraging speakers of a given Indian language to learn other Indian languages (MHRD 1968). The states that closely follow TLF in the sense of promoting national integration are Kerala, Meghalaya and Manipur. The states where this formula is not practiced at all are Sikkim and Tamil Nadu. My choice for the first case study is Manipur because apart from teaching Manipuri, Hindi and English, this state also encourages the teaching of tribal languages. My choice for the second case study is Tamil Nadu because this state has maintained a strong anti-Hindi stance since the independence of India which is also the reason for it abandoning the TLF. The case of Tamil Nadu is highly relevant because it played a decisive role in shaping the language policy of India, as it was mainly due to public and state-level protests in Tamil Nadu that the central government was forced to amend its original plan of making Hindi the only official language of India.

1.7 Selection of policy domains

As discussed, this dissertation undertakes a domain-oriented approach to investigate language policies. Considering that there can be a multitude of policy domains, I have decided to narrow down my investigation to the following eight domains: administration, legal safeguards for minority languages, education, law, media, business, healthcare, and social welfare. This list should not be considered exhaustive because the EU and India have tens of policy areas – categorised under 'Competences' in the EU and under 'Lists' in India – in which central or state level authorities have the exclusive or shared authority to devise policies. For example, the Union List, the State List, and the Concurrent List in India consist of 97, 61, and 52 items (policy areas) respectively. Examining all these policy areas is beyond the scope of this thesis, and hence I have chosen two domains (administration and law) in which mainly central-level authorities can devise policies, two domains (education and media) in which mainly state-level authorities can devise policies, and three (healthcare, social welfare, and legal safeguards for minority languages) in which both can devise policies. Moreover, I have chosen an eighth domain 'business' as a broad category, in which generally both central- and state-level authorities can devise policies, but what makes it different is the fact that the policies subsumed within 'business' cut across domains. The choice of 'business' as a separate policy domain is interesting in light of the 'diminishing role of the state' and the growing importance of multinational corporations as institutions of global decisions (Schubert 1990), and therefore could prove useful for

understanding different factors in policymaking.

1.8 Selection of policy texts

In order to select policy texts, I searched the legal databases of different case studies. I combined the terms ‘language’ and ‘linguistic’ with several other search terms such as ‘policy’, ‘planning’, ‘medical’, ‘health’, ‘registration’, ‘position’, ‘learning’, ‘business’, ‘social care’, ‘social welfare’, etc. and prepared for each case study a list of policy documents. The second step was to classify these documents in accordance with the policy domains. The third step was to focus on the use of modal verbs in passages related to language use in different domains. Where there were multiple statutes for the same domain, I selected for close analysis the statute which tended to use a greater variety of modal verbs. The purpose was to highlight the contrastive use of modal verbs in the same statute. For example, the *Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare* uses ‘shall’ and ‘may’ in the same Article (cf. §2.3.6). I examined such passages in view of the question ‘who may/shall undertake what action under which circumstances?’.

1.9 Chapter plan

The rest of the thesis is structured as follows. Part II comprises three chapters which discuss the language policies of the EU, Luxembourg, and UK. Part III comprises three chapters which focus on the language policies of India, Manipur, and Tamil Nadu. The chapters start by offering a brief introduction, and discussing the historical-structural factors shaping the language policies of the case study concerned. Then, they examine the policies from different domains, and conduct a textual analysis, which is followed by the overall conclusions of the chapter. Part IV comprises the final chapter which offers a critique of the policies of the case studies in a comparative perspective, and presents the overall findings of the thesis. Finally, it also discusses avenues for further research, and proposes a new method for conducting language policy research.

Part II
Chapter 2
Language Policies in the EU
2.1 Introduction

EU policies are often portrayed as a monolithic entity that mostly revolves around the MT+2 language learning approach, and to some extent around the recommendations made by the ECRML, ironically neither of which is mandatory for member states. Moreover, ECRML is not an EU document. It originated in the Council of Europe (COE) in 1992, and has been signed and ratified by 25 states, 16 of which are members of the EU. In this section, I discuss the EU policies which have seldom been discussed in the research literature even though they are legally binding.

In order to understand which languages are preferred over others, it is necessary to find an answer to the question 'who formulates the policies?'. At first sight, EU policies seem to be neither about the member states making absolutely autonomous language choices nor about the EU dictating conditions of language use. The location of power is not uniform, but rather dispersed amongst various actors. I term these varied loci of power 'power constellations'. These constellations are engendered by EU legislation, as it empowers the actors to partake in language policy choices. One way of understanding these power constellations is to find out which actors have greater authority in determining language use in different domains, as EU law confers different degrees of autonomy upon different actors (such as the Commission, the member states, institutions, etc.) for the formulation and implementation of policies.

For conducting an analysis of the power relations between the Union and its member states, one must examine the supremacy of EU law, which is a much contested issue in the current political discourse across the Union, especially since the *Treaty of Lisbon* (2007) emphasises the sovereignty of the individual member states. Article 3a of the TFEU states that 'the Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government'. At the same time, supremacy of EU law was established by the European Court of Justice (ECJ) in the case *van Gend & Loos vs. Netherlands Inland Revenue Administration* (1963). The Dutch company 'van Gend & Loos' appealed against the tax levied by the Dutch Revenue Department on the import of urea formaldehyde from Germany. The ECJ decided that the import tax contradicted the principles of free movement of goods

established by the European Economic Community. In its judgment of 5 February 1963, the ECJ decreed that the 'Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign right, albeit within limited fields'. This verdict contradicts the sovereignty principle stipulated in the Treaty of Lisbon, and the tensions that emerge from the conflict of these principles have influenced the language policies of the Union, as discussed in the following sections. The next section, however, describes the key historical-structural factors underpinning the policies of the Union.

2.2 Historical-structural factors

2.2.1 History

The origins of the EU lie in the European Coal and Steel Community (ECSC) created by the *Treaty of Paris* (1951) with Belgium, France, Italy, Luxembourg, the Netherlands and West Germany as signatories (Usherwood/Pinder 2018: 1-5). The ECSC focused on coal and steel because these industries were crucial for military power, and therefore surveillance of these industries was necessary to secure peace in Europe (Usherwood/Pinder 2018: 1). However, apart from securing peace, the ECSC also served the purpose of common economic growth: according to Usherwood/Pinder (2018: 4), the frontiers between France, Germany, Belgium, and Luxembourg, standing between steel plants and the mines whose coal they required, impeded rational production, and the removal of these barriers, accompanied by common governance of the resulting common market, was successful in economic terms. This Treaty laid the foundations of the Community by setting up an executive known as the 'High Authority', a Parliamentary Assembly, a Council of Ministers, a Court of Justice and a Consultative Committee (Novak 2018). The Treaty of Paris was followed by the Treaties of Rome which were signed on 25 March 1957 and came into force on 1 January 1958 (ibid.). The Treaties of Rome established the European Economic Community (EEC) and the European Atomic Energy Community (EAEC, also known as EURATOM) (ibid.).

The institutions of the EEC, ECSC and EURATOM were merged on 1 July 1967, as a consequence of which the new entity came to be referred to in the singular as the European Community (Ammon 1999: 137). Britain, together with Denmark and Ireland, joined the Community in 1973 (Usherwood/Pinder 2018: 17). The Community

was enlarged in 1981 to include Greece, and in 1986 to include Portugal and Spain (Usherwood/Pinder 2018: 21). In 1987 the *Single European Act* (SEA) was introduced: it established the internal market, which provides for the free movement of goods, persons, services and capital, and launched foreign policy cooperation (European Council 2018). On 1 November 1993, the Maastricht Treaty came into force creating the 'European Union' (ibid.). It was joined by Austria, Finland, and Sweden in 1995 (ibid.). In 1999 Europe's single currency (euro) was officially launched (EU 2018c). In 2004, ten new member states (Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia) joined the Union (EU 2018d). Bulgaria and Romania joined the Union in 2007, and in 2013 Croatia became the most recent state to acquire EU membership (ibid.).

2.2.2 Institutions and agencies

The EU consists of the following main institutions: the European Parliament, European Council, Council of the European Union, European Commission, Court of Justice of the European Union (CJEU), European Central Bank (ECB), European Court of Auditors (ECA), European External Action Service (EEAS), European Economic and Social Committee (EESC), Committee of the Regions (CoR), European Investment Bank (EIB), European Ombudsman, European Data Protection Supervisor (EDPS), and other inter-institutional bodies (EU 2018b). The three main institutions involved in EU legislation are (a) the European Parliament, which represents the EU's citizens and is directly elected by them, (b) the Council of the European Union, which represents the governments of the individual member countries, and (c) the European Commission, which represents the interests of the Union as a whole (ibid.). In principle, the Commission proposes new laws, and the Parliament and Council adopt them (ibid.). The Commission and the member countries then implement them, and the Commission ensures that the laws are properly applied and implemented (ibid.). On the other hand, the role of the Court of Justice is to interpret EU law to make sure it is applied in the same way in all EU countries, and to settle legal disputes between national governments and EU institutions (ibid.). In addition to the institutions, the EU also consists of 'agencies' which are public bodies set up under European law, and have their own legal personality (Davies 2013: 2). Unlike the EU Institutions (Council, Parliament, Commission etc.) which are created by the Treaties, agencies are established under secondary legislation, with a view to fulfilling a task of a technical or scientific nature

or a specific management task specified in the corresponding act (ibid.).

2.2.3 Competences, proportionality, and subsidiarity

The distribution of power in the EU can be understood using the concept of 'competences', which means that the Union has the authority to devise policies in certain policy areas (Articles 2-6, TFEU). The EU may only act within the limits of the competences conferred upon it by the EU countries in the Treaties to attain the objectives provided therein (Eur-Lex 2016). There are three different kinds of competences: 'exclusive', 'shared', and 'supporting'. 'Exclusive competences' refer to areas in which the EU alone is able to legislate and adopt binding acts: EU countries are able to do so themselves only if empowered by the EU to implement these acts (ibid.).

Exclusive	Shared	Supporting
Customs union	Internal market	Protection and improvement of human health
The establishing of competition rules necessary for the functioning of the internal market	Social policy, but only for aspects specifically defined in the Treaty	Industry
Monetary policy for euro area countries	Economic, social and territorial cohesion (regional policy)	Culture
Conservation of marine biological resources under the common fisheries policy	Agriculture and fisheries (except conservation of marine biological resources)	Tourism
Common commercial policy	Environment	Education, vocation training, youth and sport
Conclusion of international agreements under certain conditions	Consumer Protection	Civil protection
	Transport	Administrative cooperation
	Trans-European Networks	
	Energy	
	Area of freedom, security and justice	
	Shared safety concerns in public health matters, limited to the aspects defined in the TFEU	
	Research, technological development, space	
	Development cooperation and humanitarian aid	

Table 4. List of different competences (Eur-Lex 2016)

Through the 'shared competences', the EU and its member states are able to legislate and adopt legally binding acts: EU countries exercise their own competence where the

EU does not exercise, or has decided not to exercise, its own competence (EU 2018b). Lastly, in case of 'supporting competences', the EU can only intervene to support, coordinate or complement the action of EU countries (ibid.). The exercise of EU competences is subject to two fundamental principles laid down in Article 5 of the TEU: (a) proportionality, which means that the content and scope of EU action may not go beyond what is necessary to achieve the objectives of the Treaties, and (b) subsidiarity, which means that in the area of its non-exclusive competences, the EU may act only if the objective of a proposed action cannot be sufficiently achieved by the EU countries, but could be better achieved at EU level (ibid.).

2.3 Policies

Focus on multilingualism has been a defining characteristic of the ideology underpinning EU language policies. It should be noted that the EU's ideology of multilingualism has largely remained confined to its official languages (especially those which are dominant). Moreover, the Union's support for multilingualism has not always been consistent. From 2007 to 2017, the Union undertook a number of initiatives to promote multilingualism such as the European Year of Languages (2001), Action Plan on Language Learning and Linguistic Diversity (2004-06), European Civil Society Platform for Multilingualism (2009-15), etc.[1] Gazzola (2016: 11) terms the period from 2007 to 2010 the 'golden age of multilingualism'. The most significant development during this period was the establishment of a separate portfolio for multilingualism in 2007, and the appointment of Leonard Orban as the Commissioner for Multilingualism the same year (Gazzola 2016: 12). This portfolio lasted until 2010 and signified that multilingualism was a key objective for the EU during this period. However, after 2010, multilingualism was merged into the Education and Culture portfolio, and ceased to feature in any of the portfolios after 2014 (ibid.). The disappearance of the multilingualism portfolio from key policy areas prompts the question as to whether multilingualism still holds the same importance for the Union as in the past decade or whether the Union employs other means to promote multilingualism.

The changing preferences of the Union with respect to multilingualism can be assessed in relation to two key points. First, given that the EU does not have the authority to legislate in a number of domains, it seeks to promote multilingualism by offering

[1] EU 2018b.

financial support to projects focusing on multilingualism. The second point concerns the language hierarchies which are created as a result of the pressure exerted by the member states on policymaking. The first level of hierarchy exists between the official and non-official languages of the Union, as the former are preferred in almost every domain. The second level of hierarchy exists within the official languages of the Union, as certain languages (mainly English, French, and German) are preferred over others. The third level of hierarchy exists within the minority languages, as the autochthonous languages are preferred over allochthonous ones. The following sections focus on an investigation of these hierarchies in different domains.

2.3.1 Administration

2.3.1.1 Legislative powers

According to Article 342 of TFEU, 'the rules governing the languages of the institutions of the Union shall […] be determined by the Council'. The 'Council' being referred to here is the Council of the EU (or 'Council of Ministers'), which is composed of 28 members (Usherwood/Pinder 2018: 35). These members consist of one government minister from each EU country (ibid.).[2] It should be noted that the Council of the EU is not the only authority that can determine language use. Ironically, in 1958, the Council (then known as the 'Council of the EEC') itself had conferred upon the different institutions the power to formulate language policies. *Regulation No. 1 determining the languages to be used by the European Economic Community*, which was the first statute on language use in the EU, decreed that 'the institutions of the Community may stipulate in their rules of procedure which of the languages are to be used in specific cases' (Art. 6).

The problem of power and ideology in the context of EU language policies is evident in the conflicts between the member states and the EU institutions to influence language use in these institutions. Different member states have often tried to introduce or promote the use of their respective languages in EU institutions, and appealed to the ECJ against what they see as discrimination against their respective language(s). There are also cases in which EU citizens have complained against the language policies of EU institutions. Examples of such conflicts will be discussed in the following sections.

[2] The selection of these ministers varies according to the policy area (Usherwood/Pinder 2018: 37). The presidency of the Council of the EU changes every six months, and member states assume presidency on a rotating basis (ibid.).

2.3.1.2 Official, working, and co-official Languages

A key structural factor of EU language policies is the use of different categories such as official, working, and co-official for classifying its languages. The earliest mention of such categories can be found in the 1958 Regulation, Article 1 of which declares Dutch, French, German and Italian as 'the official languages and the working languages' of the EEC. The number of official languages has increased in accordance with the gradual expansion of the European Community (now EU). Currently, the EU has 24 official languages (Table 5). However, it should be noted that the number of official languages is fewer than the number of member states because some member states share a common language. For example, the official languages of Belgium are Dutch, French, German, which are (national-level) official languages in the Netherlands, France, and Germany and Austria respectively. Moreover, Luxembourgish is not an official language of the Union despite being the 'national language' (*langue nationale*) of Luxembourg (see §3.1). Luxembourg uses French and German as its 'other' official languages which are two of the most dominant languages of the Union.

Language	**Year of official recognition**
Dutch, French, German, Italian	1958
Danish, English	1973
Greek	1981
Portuguese, Spanish	1986
Finnish, Swedish	1995
Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak, Slovenian	2004
Bulgarian, Irish, Romanian	2007
Croatian	2013

Table 5. EU languages (EU 2017, EU 2018a)

The 'co-official languages' of the Union are Basque, Catalan, Galician, Gaelic, and Welsh (EC 2016a). The *Council Conclusion (2005/C 148/01) on the official use of additional languages within the Council and possibly other Institutions and bodies of the European Union* makes provisions for the use of languages other than the official EU languages, and has led to agreements between the EU institutions and the Spanish government and the UK on the use of Basque, Catalan, Galician, Gaelic, and Welsh (EC 2013). It must be noted that member states have to bear costs of translation from these (and not into) languages into the official language of union (ibid.). In order to gain a better perspective, it is useful to compare these languages with Luxembourgish which does not have the 'official' status in the Union despite being the national language in Luxembourg. The recognition of regional languages shows that regional-level power

constellations also have the potential to influence policymaking in the Union.

The last category is ‘working languages’. Since all the languages in Article 1 of the 1958 Regulation are described as ‘official and working languages’, it seems to imply an equal status for them, an understanding furthered by Article 4 of the 1958 Regulation which states that ‘regulations and other documents of general application shall be drafted in the four official languages’. However, Ammon (2012: 579) advises against such an interpretation by referring to Article 6 of the same Regulation, according to which ‘the institutions of the Community may stipulate in their rules of procedure which of the languages are to be used in specific cases’. The question arises as to what ‘working language’ actually means. According to Ammon (2012: 580), ‘only a small subset of the official EU languages is used regularly, which in practice always includes English and French, sometimes German, and occasionally Italian and Spanish, though other languages are not rigorously excluded’. An EC Press Release from 2013 states that the Commission conducts ‘its internal business in three “procedural” languages — English, French and German’ (EC 2013). This description also creates a new term (‘procedural languages’) which only adds to the complexity of the ‘working-official’ distinction, and shows the inconsistency of the EU’s terminology.

Even within the triad of English, French, and German, the prominent position is occupied by English, and it is interesting to note that French and German have forged an alliance to counter the dominance of English. According to Bandov (2013: 73), the French and German foreign ministers signed an agreement of linguistic cooperation in June 2000 which states that both countries support each other whenever the working status or function of their language is unduly disregarded. This agreement proved vital when Neil Kinnock, a British politician and the then Vice-President of EC, proposed in 2001 to have future papers for the Commission drafted only in English (ibid.). The proposal resulted in him being accused of ‘trying to increase the dominance of the English language in the running of the EU’ (BBC News 2001), and the disagreement expressed by the French and German foreign ministers eventually led to the withdrawal of Kinnock’s proposal. These events, and the different categories created by the statutes discussed above are telling examples of the conflict for dominance, and the hierarchies amongst the EU languages.

2.3.1.3 Internal language arrangements

One of the main covert mechanisms of the Union is the concept 'internal language arrangements' (ILA). ILA means that the power to devise language policies is distributed across various actors, such as EU agencies, and autonomous bodies within these agencies, so that they can devise policies internally. For example, Article 25 of the *Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights* states that 'the Management Board shall decide on the internal language arrangements for the Agency'. However, the Board cannot choose any language it prefers because the names of languages to be used in the EU institutions are precisely specified by the 1958 Regulation. As the choice of languages is bound by the 1958 Regulation, it means that the EU Agency for Fundamental Rights excludes minority languages from its scope.

The second example concerns the European Atomic Energy Committee (EAC). Article 18 of the *Treaty establishing the European Atomic Energy Committee* makes provisions for the establishment of an 'Arbitration Committee'. According to *Regulation No 7/63/Euratom of the Council of 3 December 1963 on rules of procedure of the Arbitration Committee*, the Arbitration Committee has the authority to determine its language use (Art. 12). The same article also decrees that the 'proceedings shall be conducted in one of the official languages of the Community', and 'the language for the proceedings shall be chosen by the proprietor of the patent […]'. However, it further states that the Arbitration Board may – at the request of one party and having heard the other party – authorise partial or full use of another official language as a 'procedural language'.

These examples show that there is no central locus of power in the EU, as EU law empowers the agencies to determine their own language policies. The distribution of power could be seen as an indicator of the democratic character of the Union. However, it could also mean that the EU avoids taking direct responsibility for language decisions in order to not be seen as an authoritarian body. In principle, the choice of 'official language' (or 'working language') is left to different institutions or agencies. However, such choice is limited to the languages of the member states which are more dominant than the others (§2.3.1.4). Therefore, ILA can be seen as a covert mechanism because it permits the creation of language hierarchies in a hidden manner.

2.3.1.4 Language use in EU institutions and agencies

2.3.1.4.1 Council of the EU

ILA is the main method of determining language use in the different institutions of the EU (including the Council of the EU), and has been a source of conflicts between the member states. In the Council's case, the main controversy revolves around the language(s) of the website of the Presidency of the Council. The Council changes presidency every six months, and irrespective of which country presides over the Council of the EU, the website of the presidency is – apart from the official language of the presiding member state – always available in English and French, and often in German. A key language conflict occurred when Italy, which was about to take over the Council presidency from July 2014, initially chose to publish the website only in English and Italian. This decision was criticised by French and German MEPs (Barbière 2014). The website of the Italian presidency is currently also available in French (but not in German), which might have been a result of the criticism by French MEPs (Presidency of the COE 2014). Such conflicts, which emanate from the ILA, are not uncommon, as discussed below.

2.3.1.4.2 EU Intellectual Property Office (EUIPO)

The conflict that occurred as a result of the ILA of the EUIPO is a remarkable case of language conflicts in the Union.[3] According to the *Council Regulation (EC) No 207/2009 of 26 February 2009* on the Community trade mark, the main tasks of EUIPO are to register EU trade marks (previously known as 'Community trade marks') and Community designs, and work towards harmonisation of registration practices. According to the *2009 Regulation*, the application for a Community trade mark 'shall be filed in one of the official languages of the European Community' (Art. 119.1). However, the number of languages of EUIPO is restricted to English, French, German, Italian and Spanish (Art 119.2), which makes these five languages superordinate to the other EU official languages. This dominance is underscored by the clause which stipulates that, whilst filling in the application form, an applicant 'must' indicate a second language which 'shall be a language of the Office' (Art. 119.3). The applicant has to accept the second language as 'a possible language of proceedings for opposition, revocation or invalidity proceedings', and if the application is filed in a language which

[3] The EUIPO was previously known as 'Office for Harmonization in the Internal Market (Trade Marks and Designs)'. See EUIPO 2017.

is not one of the languages of the EUIPO, it will arrange to have the application translated into the second language indicated by the applicant (Art. 119.3).

In Tollefson's (2013: 142) framework, such 'internal language arrangements' (ILA) would constitute the structural factor that constrains individual choice. Even if an applicant can file an application in any official language, s/he must indicate a second language. These constraints led to a legal dispute between Christina Kik, a Dutch lawyer, and the erstwhile Office of Harmonisation (now EUIPO). Christina Kik filed an application to get the name 'KIK' patented and chose both the first and the second language of her application as Dutch. After her application was refused by the Office, she appealed first to the Court of First Instance and then to the ECJ. The ECJ's judgment rejected the application stating that although the Treaty (of the EC) contains several references to the use of languages in the EU, 'those references cannot be regarded as evidencing a general principle of Community law that confers a right on every citizen to have a version of anything that might affect his interests drawn up in his language in all circumstances'.[4] This case reveals how power and ideology underpin language choices. Law is not an entity that exists by itself; it is created by actors such as the Union that manipulate these choices. This case also serves as an example of (i) how policies are shaped by contestations amongst different stakeholders, and (ii) how contradictions may emerge as a result of power constellations.

2.3.1.4.3 European External Action Service (EEAS)

The language choices of the EEAS, which is responsible for devising the foreign policies of the EU, have also led to conflicts between member states. In 2010, Guido Westerwelle, the then foreign minister of Germany, protested against the exclusion of German from EEAS, as English and French are the preferred working languages of the EEAS (Ammon 2012: 585). This led to a difference of opinion between him and the British Baroness Catherine Ashton because the former wanted EEAS to be integrated into the Commission and then also have its three working languages (English, French and German), while Baroness Ashton proposed it to be a 'functionally autonomous body of the Union', which would allow for its own language regime with probably only English and French (ibid.). The language policy of EEAS is important because it creates a hierarchy within the triad of English, French, and German. In the case of EUIPO, it

[4] See *Christina Kik vs. Office of Harmonisation in the Internal Market*.

was Dutch that was trying to gain an equal status, while in this case, German tried to become an equal of English and French.

2.3.1.5 Recruitment and promotion of EU personnel

Recruitment and promotion of staff is another policy area in which the EU promotes its ideology of official multilingualism. *Regulation No. 31 (EEC), 11 (EAEC),* which lays down the conditions of employment of the personnel of the European Economic Community and the European Atomic Energy Community, states that 'an official may be appointed only on condition that he produces evidence of a thorough knowledge of one of the languages of the Communities and of a satisfactory knowledge of another language of the Communities to the extent necessary for the performance of his duties'.[5] Moreover, one of the conditions for the promotion of staff concerns the use of languages by personnel 'in the execution of their duties other than the language for which they have produced evidence of thorough knowledge'.[6] The legislative power for recruitment and promotion policies rests with the institutions concerned. The choice of the languages necessary for recruitment and promotion leads to conflicts because, as described in §2.3.1.4, the member states do not have autonomy over the choices made by different EU institutions, yet they (member states) are powerful enough to resist such choices even if their resistance may not lead to equal status for their respective language(s).

2.3.2 Legal safeguards for minority languages

The main statute that protects minority languages is the *Charter of the Fundamental Rights of the European Union* (CFR). Article 21 of the CFR prohibits discrimination on the basis of language. However, its implementation has not been devoid of problems. One can take the example of the Turkish community in Greece. In 2014, MEP François Alfonsi raised in the European Parliament the issue that 'the right to be educated in their mother tongue at pre-school is not granted to Turkish minority children, and the right not to be discriminated against is violated owing to the fact that Greece, without objective and reasonable justification, fails to treat with consideration minority children who speak a language other than Greek' (EP 2014a). The official response of the Commission to this matter claimed that the Commission could not intervene in the

[5] *Regulation No. 31 (EEC), 11 (EAEC) (14 June 1962).*
[6] *Regulation (EU, Euratom) No 1023/2013*.

internal affairs of its member states because of the subsidiarity principle. However, this response contradicts the non-discrimination principle of the CFR. Such examples show that there is a lot of room for improvement as far as implementation of EU policies is concerned.

Other than the CFR, there are hardly any EU statutes that prohibit language-based discrimination. The ECRML focuses on the protection of minority languages, but it is not legally binding. Moreover, it also explicitly excludes the language of immigrants from its scope, and creates a hierarchy amongst the minority languages by prioritising autochthonous over allochthonous languages. It should be noted that ECRML includes the languages 'traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population' (Art. 1). But even this provision does not prevent, for example, discrimination against Roma communities in a number of EU member states. The issue of Greece refusing to 'allow the Pomaks and Roma to be taught at school the languages which they themselves have spoken for hundreds of years' was raised in the European Parliament in 2003, but the Commission argued that it could not interfere in affairs of member states because of the subsidiarity principle, which at least does not hold true in case of Roma communities in Greece (EP 2003).

2.3.3 Law

The Union's ideology prevails in the legal domain because the statutes concerning language use in legal matters make multilingualism an obligation. The obligation-clause is to be found, for example, in the *Council Regulation (EC) No 1206/2001 of 28 May 2001* which focuses on the cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. This regulation applies when a judicial document has to be transmitted from one member state to another for service there, and such documents have to be accompanied by a request drawn up using a pro forma. Article 5 of this Regulation decrees that each member state 'shall indicate the official language or languages of the institutions of the European Community other than its own which is or are acceptable to it for completion of the forms'. This is not the only statute that makes it obligatory for the member states to indicate an official language or languages other than their own.

The second crucial aspect of EU law is that it empowers the regional languages by legitimising their use in legal matters. The *2001 Regulation* named above also decrees that 'the request and communications pursuant to this Regulation shall be drawn up in the official language of the requested Member State or, if there are several official languages in that Member State, in the official language or one of the official languages of the place where the requested taking of evidence is to be performed […]' (Art. 5). The 'official language of the place' clause is significant because it empowers languages such as Basque or Catalan by permitting their use in legal contexts. The *2001 Regulation* is an example of a policy that often remains undiscussed. Its legally binding nature makes it more important than the ECRML which is widely quoted as the instrument that promotes regional and minority languages even if the ECRML does not entail any obligation.

2.3.4 Education

Since education belongs to the competence of the member states, EU statutes concerning this domain are hard to find. The only important legally binding instrument is the *Council Directive 77/486/EEC of 25 July 1977 on the Education of the Children of Migrant Workers* which applies to children – for whom school attendance is compulsory under the laws of the host state – who are dependants of any worker who is a national of another member state (Art. 1). The principal argument of the 1977 Directive is that 'in order to permit the integration of such children into the educational environment and the school system of the host state, they should be able to receive suitable tuition including teaching of the language of the host state'. Article 3 of this Directive decrees that 'member states shall, in accordance with their national circumstances and legal systems, and in cooperation with states of origin, take appropriate measures to promote […] teaching of the mother tongue and culture of the country of origin for the children referred to in Article 1'.

The drawback of the 1977 Directive is that it focuses only on the languages of the member states. In light of this problem, it is useful to question why the language(s) and culture(s) of workers from other member states are promoted, while language(s) and culture(s) of non-EC (now non-EU) states are ignored. Although the 1977 Directive requires member states to ensure the 'teaching of the mother tongue and culture of the country of origin for the children', it is 'one of the most under-enforced Acts of

Community law' due to 'the resistance of States to providing for education in non-official languages' (Guliyeva 2013, de Witte 1993). In 1990, MEP Christine Oddy, representing the Group of the Party of European Socialists, asked the Commission of its plans to encourage the teaching of the languages Punjabi, Urdu, Hindi, and Gujarati spoken by a number of residents and citizens of the Community at that time (EP 1991). The Commission responded by referring to a budget line (B-636) devised to safeguard and promote the regional or lesser-used languages of the European Community (ibid.). However, it added that this funding mechanism 'only concerned the languages of the regional autochthonous minorities within the European Community' (ibid.).

An investigation of the EU's language-in-education policy necessitates a discussion of the MT+2 policy (even if it is non-binding), as it is widely considered the main language policy of the Union. The autochthonous-allochthonous divide is also present in the policy documents that have shaped the MT+2 policy. This divide becomes clear through a critical examination of the designations such as 'mother tongue', 'foreign language', and 'community languages' in these documents. A precursor of the current MT+2 model can be found in the 1988 *Opinion on the Communication from the Commission on a fresh boost for culture in the European Community* which states that 'in the cultural and educational sphere, it is necessary to […] develop Community-level cultural and educational projects for the acquisition of a second Community language before the age of 10 and a third Community language after that age' (Art. 3.4.1.1, EESC 1988). The three-language approach is also emphasised in the *1989 Proposal for a Council Decision establishing the Lingua programme to promote training in foreign languages in the European Community*. Article 2 of the 1989 Proposal describes the Lingua Programme as 'a framework of common guidelines to promote foreign language competence in the Community' (CEC 1989). Art. 5 of the same stipulates that the Lingua Programme should support activities which are intended to 'encourage young people to acquire a working knowledge of two Community languages in addition to their mother tongue(s) as a component of their initial vocational education and training and in their preparation for working life' (CEC 1989, Art. 5).

The drawback of these documents is that they do not consider that the 'mother tongue' of a person might not necessarily coincide with the official language(s) of the state. Such a flawed perspective is also present in the 1995 *White Paper on Education and*

Training: Teaching and Learning - Towards the Learning Society which uses the expression 'three European languages', and hence marginalises languages of non-EU migrants (COEC 1995). The most commonly used expression in the EU documents is 'Community languages' which is vague because it could refer either to all the languages spoken in the European Community or just the official languages of the European Community. The Council of the EU uses the term 'foreign languages' instead of 'European languages' at its Barcelona Summit in 2002 (European Council 2002). The use of the term 'foreign language' is equally problematic because of the varied meanings of this term in EU policy discourse. For example, according to the *Council Decision of 28 July 1989* establishing the Lingua programme, 'foreign language teaching' refers only to 'the teaching as foreign languages of Danish, Dutch, English, French, German, Greek, Irish, Italian, Lëtzeburgesch, Portuguese and Spanish' (Art. 3). Most of these languages are official languages of the Union, and do not represent the different 'mother tongues' spoken in the Union.

Extra (2017: 18) argues that the 'EC's thinking has developed in this area' by referring to the document *Multilingualism: an asset for Europe and a shared commitment* (2008), which speaks of 'valuing all languages' and argues that the 'different mother tongues and other languages spoken at home and in local and neighbouring environments should be valued more highly' (COEC 2008). The view expressed by Extra (2017) is reflected in the *Council Conclusions of 22 May 2008 on Multilingualism* which mark a shift from the language models prescribed by the Commission. The 2008 Conclusions posit that 'with a view to promoting economic growth and competitiveness, it is important for Europe also to maintain a sufficient knowledge base in non-European languages with a global reach'.

The implementation of MT+2 is difficult because the Union does not have the competence to implement policies in the educational domain. As the Union cannot force the member states to follow its language-in-education policy, it offers financial incentives: the *Lifelong Learning Programme*, and *Erasmus+*, the two key initiatives of the last ten years, were allocated €7 billion (£6.2 billion) and €14.7 billion (£13 billion) respectively. These initiatives have funded a number of programmes dedicated to the

promotion of language learning.[7] The mechanism of offering financial support for promoting multilingualism shows that the Union indirectly tries to promote its ideology in the educational domain, as it lacks the competence to promote language learning through the means of regulations and directives.

2.3.5 Media

The main EU statute that refers to language use in the media is *Directive 2010/13/EU of 10 March 2010*. The 2010 Directive decrees that the member states 'may lay down more detailed or stricter rules' concerning language use in 'some or all programmes of television broadcasters under their jurisdiction'. However, it also stipulates that the rules of the member states have to be in accordance with Union law. In addition to the legal obligation, the Union has tried to promote its ideology using two funding measures: the MEDIA programme and Creative Europe. Whilst MEDIA (an acronym for '*Mesures pour l'encouragement et le développement de l'industrie audiovisuelle*' or 'Measures for encouragement and development of audio-visual industry') focuses on the circulation of European films, TV and video productions across borders, Creative Europe acts as the Commission's framework programme for supporting the cultural and audio-visual sectors (EC 2016b). Creative Europe has an overall budget of €1.46 billion (£1.3 billion), about 56% of which is dedicated to MEDIA (EC 2018b). The defining feature of these initiatives is their strong emphasis on 'European' identity. For example, *Creative Europe* is focused on the promotion of European literature and cinema, and supports initiatives such as the European Capitals of Culture, the European Heritage Label, and the European Heritage Days (EC 2018b). The measures show that the Union tries to implement its ideology in the domain of media using both legal and financial means.

2.3.6 Healthcare

As healthcare falls within the competence of the member states, the EU law gives the member states and intermediary bodies the power to determine language use in healthcare. For example, the *Council Directive 93/42/EEC of 14 June 1993 concerning medical devices* includes the provision that the member states 'may require the information, which is to be made available to the user and the patient […], to be in their

[7] The Lifelong Learning Programme provided support to learners under four main sub-programmes: (i) Comenius (for schools), (ii) Erasmus (for higher education), (iii) Leonardo da Vinci (for vocational education and training), and (iv) Grundtvig for adult education (EC 2018a).

national language or another Community language' (Art. 4.4). Protection of member states' sovereignty regarding language policies in healthcare is guaranteed through the *Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011* which concerns the application of patients' rights in cross-border healthcare. The 2011 Directive decrees that 'this Directive shall not affect laws and regulations in Member States on the use of languages'.

The power given to intermediary bodies is evident in the *Directive 98/79/EC of the European Parliament and of th e Council of 27 October 1998 on in vitro diagnostic medical devices* which empowers 'notified bodies' to determine language use. A notified body is an agency designated by a certain member state to conduct conformity assessment procedures, and this member state is requested to inform the Commission and other member states of such bodies.[8] The 1998 Directive decrees that the records and correspondence relating to certain procedures 'shall be in an official language of the Member State in which the procedures are carried out and/or in another Community language acceptable to the notified body' (Article 9.11). The problem with such a provision is that it does not elucidate the principles (or ideology) through which a notified body determines its language choices.

EU policies on the language skills of medical professionals have been a source of conflicts between the Union and the UK. Parkin (2015: 3) claims that 'EU legislation does not allow the healthcare regulatory bodies to require evidence of a European applicant's knowledge of English prior to registration, even when the regulatory body has cause for concern'. Parkin's (ibid.) claims are not true because the Directive 2005/36/EC and Directive 2013/55/EU on language skills of medical professionals state that 'professionals benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practising the profession in the host Member State'.[9] Even if the EU legislation made language skills mandatory, the Vote Leave Campaign, which supported Brexit, misrepresented EU law by arguing that EU law posed a threat to safety of patients because it allowed doctors with poor language skills to work in the UK (Vote Leave 2016).

[8] A manufacturer can only place a product on the EU market when it meets all the applicable requirements (EC 2018c). The conformity assessment procedure is carried out before the product can be sold (ibid.).
[9] See Article 53 of both Directives.

2.3.7 Business

In common with many other domains, the member states have in general autonomy to formulate their own policies in this domain.[10] However, a more striking feature of the business-related statutes is the empowerment of the Commission to devise policies in certain areas. One such area concerns the 'protected designation of origin' or 'protected geographical indication' which means that the 'traditional terms' used for these products cannot be used for any other product. The EU law empowers the Commission to adopt acts regarding the language and spelling of such traditional terms.[11] This is a case of an overt policy, and it may be attributed to the fact that the Union has shared competence in the field of agriculture policy (Table 4). Such a clause subverts the subsidiarity principle. However, it is also to be noted that the empowerment of the Union to devise policies is intertwined with financial concerns, as the goal of this empowerment is to ensure that the rights of the member states and farmers are protected.

Apart from empowering the Union to devise policies, the statutes in this domain also create different tiers of language hierarchies. The first of these gives primacy to English, with French and German the second most preferred languages. The *Commission Regulation (EEC) No 585/93 of 12 March 1993* on the implementation of promotional and publicity measures in respect of milk and milk products states that the final report on the utilisation of Community funds 'must be accompanied' by a summary and a list of key words, and adds further that 'if the report is not drawn up in English, the summary […] and key words must be provided in that language'. The second tier of language hierarchy concerns the dominance of English, French and German over other EU official languages. For example, the *Council Regulation (EC) No 235/2004* regarding anti-dumping duties on the import of certain seamless pipes and tubes of iron or non-alloy steel originating in Romania makes the provision that the production certificate containing details such as the name and address of the company and its customer(s) 'will be in four languages, the language of the country of the producer, English, French and German.'

[10] For example, Article 19 of the *Regulation (EC) No 1223/2009* on cosmetic products decrees that the language of the information 'shall be determined' by the law of the member states where the product is sold.

[11] See Article 114, *Regulation (EU) No 1308/2013*.

These hierarchies have an influence on the implementation of statutes. What becomes most important, however, is that only those languages thrive which are seen as a 'skill'. In the sections above, I have already highlighted English, French, and German being given more importance than other languages. The trend of measuring languages in terms of their economic value becomes stronger in the reports related to EU initiatives on business. The policy recommendations made by CELAN – a project created with the intention to facilitate a dialogue in the language field between the business community and language practitioners – state that although the European Commission continues to adhere to the MT+2 formula, the idea of the equality of languages has been 'slightly modified' in the sense that the Commission has come to acknowledge that English is, in principle as well as in practice, a 'basic skill' (ELC 2013). The key change according to the CELAN policy recommendations is the change in the notion of 'basic skills': while in 2002, 'basic skills' meant 'learning of at least two foreign languages from a very early age', it is now related to knowledge of English (ELC 2013). This example shows that the language choices are not just about intra-union power relations. They are also influenced by global realities, as a result of which English has come to dominate the business sector (cf. Schubert 1990).

2.3.8 Social welfare

Social Welfare is a domain in which the Union has substantial influence, and tries to prevent the formation of language hierarchies. For example, *Regulation (EEC) No 1408/71 of the Council of 14 June 1971* concerning the application of social security schemes to employed persons and their families moving within the Community makes the provision that the authorities, institutions and tribunals of a certain member state 'may not reject' claims, applications or other documents submitted to them on the grounds that they are written in an official language of another Member State. Moreover, Article 81 of the 1971 Regulation obligates the Administrative Commission 'to carry out all translations of documents relating to the implementation of this Regulation at the request of the competent authorities, institutions and courts of the Member States, and in particular translations of claims submitted by persons who may be entitled to benefit under this Regulation'. In common with statutes in other domains, such protection is partial in the sense that it concerns only the official languages of the Union.

The Union offers financial support to projects related to social welfare. The main funding body in this field is the European Social Fund (ESF) which was set up under the Treaty of Rome with a view to improving workers' mobility and employment opportunities in the common market (Eurofound 2010). The ESF has significantly contributed to promoting multilingualism in the Union by supporting a number of projects. For example, the programme *Odysseus*, which ran from 2012 to 2015, focused on helping immigrants in Greece learn about Greek language, culture and history. Similarly, *Bridge – Berlin Network for the Right to Stay* (2015–2019) helps refugees stay in Germany through language courses and other resources. The policies and their implementation in the case of social welfare constitute an example of overt mechanisms, and since the Union has the main authority to formulate policies, there is little resistance from the member states.

2.4 Textual analysis

The aim of this chapter is to examine whether the power structures that became evident in the sections above are reflected in the inner structures of statutes. The focus is mainly on the use of the modal verbs 'shall', 'must', and 'may' because they are a major indicator of power structures in texts. The use of 'shall' is highly codified within legal discourse, as it is employed to expresses obligation which, in non-legal parlance, is generally expressed by 'must'. The verb 'may' is regarded as 'permissive' (Ballesteros-Lintao et al. 2016: 425). My aim is to take a critical view of this codification, and examine how the deonticity with which 'shall', 'must', and 'may' are imbued corresponds to power structures with respect to the legal provisions on the use of languages in different policy domains.[12] According to Williams (2005: 208), the main difference between the use of 'shall' and 'must' in legal discourse is that 'shall' is used for 'commands' while 'must' is used for 'requirements'.[13] From a critical perspective, both commands and requirements are symbolic of power structures, and the more important issue is how these modal verbs are used to promote certain languages over others.

[12] According to Palmer (2001: 9), the 'deontic' modality relates to obligation or permission, emanating from an external source.

[13] In order to differentiate between 'commands' and 'requirements', Williams (2005: ibid.) refers to the *Minnesota Bill Drafting Manual (2002)*, according to which requirements are 'statements about what people must be rather than what they must do'.

As discussed in §2.3, the promotion of official multilingualism is a key feature of the EU's ideology.[14] In this section, I investigate the extent to which this ideology is reflected in EU statutes. The first statute I examine is *Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use*. I have chosen the 2001 Directive for my analysis because it is one of the rare EU statutes to use 'shall', 'must' and 'may' with respect to language use. A contrastive analysis of these verbs reveals the preference of policymakers. Article 63.1 of the 2001 Directive decrees the following:

> The particulars for labelling […] **shall** appear in the official language or languages of the Member State where the product is placed on the market (my emphasis)

There are two possible readings of this clause. The first reading is in line with my finding that ideologies are abandoned in matters of health and safety. For example, if a French or German company sells its medicinal products in Spain and does not offer a translation of the product in the dominant national or regional language (Castilian, Catalan, Basque or Galician), then this lack of information could be detrimental to the health of consumers. Therefore, the use of 'shall' ensures that consumers have the right to information on medicinal products in their language. The second reading is that it is economically useful to publish the labelling of a product in the language of the country where it would be sold. A corollary of this reading is that policies can also be market-driven instead of being solely influenced by the ideology of policymakers.

The question arises as to whether the promotion of the language(s) of the member state importing medicinal products occurs at the expense of other languages of the EU. This question can be addressed by examining the second subparagraph of Article 63.1 of the 2001 Directive which states the following:

> The first subparagraph **shall not** prevent these particulars from being indicated in several languages, provided that the same particulars appear in all the languages used (my emphasis).

This clause shows how EU law creates the possibility for the promotion of its languages in a given member state. Even if the phrase 'shall not prevent' does not contain the same mandatory intent as 'shall', I argue that the forms that consist of 'modal verb +

[14] The EU publishes its statutes in several languages, which in itself can be seen as a promotion of multilingualism. The use of modal verbs in statutes in French differs from those in English (see §3.4 for a discussion). A comparative analysis of the French- and English-language versions of the EU's statutes is beyond the scope of this dissertation.

negation' are important for understanding power structures because they specify which languages are included and which ones are excluded from the scope of application of a certain statute. It must be kept in mind that the parlance of statutes is not subservient to logical inferences. For example, if a statute stipulates that product labels 'shall' include a language, it does not necessarily imply that other languages are excluded. The ambiguity of legal texts, as Bhatia (2005: 352) notes, emerges from the fact that legal discourse needs to be specific, yet vague at the same time, in order to be able to handle cases which are unforeseeable and unpredictable. Therefore, the presence of 'shall' and 'shall not' in a statute ensures that there is no confusion as to which languages are included and which ones are excluded. Moreover, it also reveals that, in case of the 2001 Directive, languages of the member states importing medicinal products constitute the first priority. Other EU languages can be included, but they are not the first preference.

Article 63.2 of the same Directive concerns the language(s) of product leaflets and follows a similar formulation. However, instead of 'shall' it expresses deonticity using 'must':

> 2. The package leaflet **must** be written in clear and understandable terms for the users and be clearly legible in the official language or languages of the Member State where the medicinal product is placed on the market […]
> The first subparagraph **shall not** prevent the package leaflet being printed in several languages, provided that the same information is given in all the languages used (my emphasis)

Finally, the 2001 Directive also makes use of 'may' in the following provision:

> 3. The competent authorities **may** exempt labels and package leaflets for specific medicinal products from the obligation that certain particulars **shall** appear and that the leaflet **must** be in the official language or languages of the Member State where the product is placed on the market, when the product is not intended to be delivered to the patient for self-administration (Art. 63.3; my emphasis)

From the viewpoint of CDA, the key feature of this provision is that of 'choice'. Studer et al. (2008: 14) note that 'linguistic choices are never made in a power vacuum, but always also have political implications and therefore contain political choices'. A better understanding of this provision can be gained by posing the question 'who is enabling whom to do what under which conditions?'. In this case, the EU law is enabling 'competent authorities' to disapply the language requirement. The condition for disapplication is that the product is not intended for self-administration by the patient.

This clause indirectly confirms my finding that ideologies are abandoned in matters of health and safety because non-dominant languages are considered as long as it directly impacts their speakers. In this case in which products are not to be self-administered by patients, the language provision has been disapplied. Therefore, the structure of EU policies on language use in healthcare cannot be deemed deterministic.

Apart from informing authorities on what they 'may' do, EU law also contains provisions on what they 'may not' do. The EEC Regulation 1408/71, which concerns the application of social security schemes to employed persons and their families moving within the Community, states the following:

> The authorities, institutions and tribunals of one Member State **may not** reject claims or other documents submitted to them on the grounds that they are written in an official language of another Member State […] (Art. 84.4; my emphasis)

This Regulation can be seen as another instance of indirect promotion of official multilingualism in the EU. In the case of this statute, it is useful to change the question to 'who is preventing whom from doing what under which conditions?'. EU law is limiting the choice of authorities on language use. The 'modal verb + negation' form plays a crucial role in this case because it establishes that documents or claims are not allowed to be rejected on the basis that they are written in an official language of another member state. Therefore, the 'inclusion' and 'exclusion' parameters of this policy are clearly defined. Moreover, the 1971 Regulation reaches the same goal (promotion of multilingualism) in a direct manner. While the 2001 Directive promotes multilingualism by giving the authorities the choice to publish information in several languages, the 1971 Regulation does so by constraining their choice to reject documents.

While the use of 'must' and 'may' helps one clearly understand the role of power and ideology in EU language policy, one cannot speak of such clarity in case of 'shall' because EU law also employs 'shall' for indicating future-tense usage. For example, Article 165.1 of the *Treaty on the Functioning of the EU* states the following:

> The Union **shall** contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity (my emphasis)

Paragraph 2 of the same Article states that 'Union action shall be aimed at developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States. Although these provisions use 'shall', they cannot be deemed mandatory because 'shall' appears in conjunction with statements that are not concrete. An expression such as 'action shall be aimed at developing the European dimension' subverts the mandatory character that 'shall' is generally assigned in legal language. The examples cited above can be interpreted as indicators of future-tense usage of 'shall' which is problematic, especially in light of Cooper's (2011: 15) observation that 'a general consensus seems to have developed that "shall" should not be used in legislation to denote future action'. Further confusion is created by the use of 'will' in certain statutes to indicate future-related action. For example, the *Council Regulation (EC) No 235/2004*, which concerns the import of seamless pipes and tubes of iron or non-alloy steel originating in Romania, declares that certain parts of the production certificate (required to get exemption from duty) 'will be in four languages'.

Another striking feature of EU law is its use of 'should' in places in which one would generally expect 'must' or 'shall'. The *Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997* concerning the pursuit of television broadcasting activities addresses vital issues such as linguistic diversity, but the irony is that it assumes an advisory nature on such issues, mainly characterised by the use of 'should'. Paragraph 31 of the 1997 Directive states that member states 'should promote independent producers' in view of 'the need to protect lesser used languages of the European Union'. This can be interpreted as a suggestion rather than an obligation. In a similar fashion, *Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004* which aims at enhancing the security of ships used in international trade and domestic shipping decrees that information such as the names of ship management companies, manning agents, contractors, and concessionaries 'should be in English, French or Spanish language' (Art. 6.3).

If the original intent of these provisions was to express obligation, then it cannot be said to be realised through the use of 'should'. Palmer (2001: 73) points out that although morphologically 'should' is formally the past tense of 'shall', 'notionally it functions as

the modified form of "must"'. However, 'should' differs from 'must' in the sense that the speaker admits the possibility that the event may not take place:

> He ought to/should come, but he won't
> *He must come, but he won't

It should be noted that Palmer's (2001) analysis concerns primarily verbal communication and not legal language. However, if one extrapolates Palmer's analysis to legislation, one concludes that 'should' in the statutes cited above implies that provisions outlined in these statutes may not be realised. Therefore, if the 2004 Directive regulates that the details on ship management companies 'should' be in English, French, or Spanish, the actual document may not be in any or all of these languages. In this sense, the use of 'should' subverts the deontic value that would generally be expressed by 'shall' or 'must'. Such ambiguity constitutes a major inconsistency of EU law.

Finally, one can also find (rather rare) examples of the dominance of English in EU law. The Commission Regulation (EEC) No 585/93 of 12 March 1993 on the implementation of promotional and publicity measures in respect of milk and milk products states that 'the final report must be accompanied by a summary (of about 250 words), a resume (of about 60 words) and a list of key words (maximum eight)'. The 1993 Regulation further stipulates that 'if the report is not drawn up in English, the summary, resume and key words must be provided in that language'. Although this clause clearly makes English superior to other official languages of the Union, my investigation of EU statutes shows that such examples are rare.[15] Overall, it can be said that EU law pushes for promotion of all of its official languages, and this policy is largely reflected in the use of modal verbs in EU statutes. However, a main drawback of EU law is its inconsistent use of 'shall' and 'will' to represent future-tense use, and the use of 'should' instead of 'shall' to indicate deonticity. This inconsistent use of modal verbs is problematic because it makes it difficult to locate power structures in texts.

[15] In the course of my investigation, the 1993 Regulation was the only statute I could find which decreed that a summary of any document is required in English.

2.5 Conclusion

This chapter makes some important contributions to policy research. First, it shows that EU language policy in the administrative domain is marked by what I call 'power constellations'. Power constellations are a covert mechanism through which the Union – instead of acting as the sole authority determining language use – confers such power upon its institutions and agencies. As the language use in these institutions and agencies is not entirely egalitarian, and is influenced by the dominance of certain languages over others, this leads to conflicts between the member states and the institutions (or agencies). Therefore, the Union's strategy of creating power constellations may be interpreted either as a means to avoid being viewed as authoritarian or as a balancing act between the Union's principles and the interests of different parties. The concerns of the Union in distancing itself from an authoritarian image is understandable, as such perceptions played a key role in the Brexit discourse, in which the Vote-Leave campaign (falsely) portrayed the EU regulation on the language skills of medical professionals as detrimental to healthcare in the UK (Vote Leave 2016).

The second important finding is the concept of 'Internal Language Arrangements' (ILA). ILA refer to the principle that the institutions and agencies can devise their own language policies. Therefore, ILA can be seen as the underlying principle of 'power constellations'. The administrative domain – driven by the principle of 'internal language arrangements' – has witnessed a number of conflicts because of the struggle between the member states for dominance. A telling example of such a conflict is the case of Dutch striving to get their language recognised as one of the languages of the EUIPO. Moreover, the EU's ideology of promoting multilingualism is also reflected in its statutes. However, the inconsistent use of modal verbs makes it difficult to locate power structures.

To sum up, a detailed examination of EU policies shows that there is perpetual conflict between the Union and its member states because each party wants to promote its own ideology. While the Union tends to promote multilingualism (and a European identity), the member states are more interested in the empowerment of their national languages. At the same time, it should be noted that the Union's idea of 'multilingualism' tends to favour official languages, and focuses less on the R/M languages. There exists a hierarchy within the EU's official languages which is created through categories such as

‘official languages’ and ‘working languages’. At the lower end of such hierarchies belong the R/M languages, which are protected by the CFR. However, the implementation of the CFR is far from perfect. On the one hand, there is the problem of the lack of funding for these languages, which has led to the closure of institutes such as the European Bureau for Lesser-Used Languages (EBLUL) (Ammon 2012: 588). On the other hand, such legal safeguards are not respected in cases of Roma communities in different member states.

At the bottom of these hierarchies lie the languages of immigrants, which are not given any importance in most domains (except education which has revised its policy to ‘valuing all languages’). Policies on social welfare have created a number of projects to help immigrants integrate into different member states by offering language courses. The purpose of these courses is to teach immigrants the national or official language(s) of the host state. Overall, the EU’s idea of multilingualism is primarily ‘official multilingualism’, as it focuses on its official languages. It would be better to term the EU policy ‘selective official multilingualism’ or ‘inegalitarian multilingualism’ in light of the EU’s preference for dominant official languages. Moreover, global realities have also worked against an egalitarian view of languages. For example, the meaning of ‘basic skills’ has undergone a paradigm shift in the business domain: while in 2002 knowledge of two foreign languages was professed as a basic skill, English is now considered a basic skill in business. The Union’s stand on languages in business contradicts its stand on languages in education, which speaks of ‘valuing all languages’ (COEC 2008).

Chapter 3
Language Policies in Luxembourg
3.1 Introduction

Luxembourg is a multilingual country with three official languages: French, German, and Luxembourgish (*Lëtzebuergesch*). Luxembourgish is the most widely spoken 'Hauptsprache' (main language) in Luxembourg, followed by Portuguese, French, and German (Table 6).[1] Since the foundation of Luxembourg as a modern state in 1839, the roles of these languages have changed to a large extent. In the past, Luxembourgish was often perceived as a dialect of German, however, over the course of time, it has become the 'national language' of Luxembourg (MENFP 2010: 66).[2] On the contrary, French and German used to be described as 'national languages' in the statutes from the past,[3] but now their status has mainly been reduced to 'administrative languages' (*langues administratives*). Certain statutes, especially the ones related to the selection of officials for parliamentary administration, even use the term 'foreign languages' (*langues étrangères*) to describe the status of French and German.[4]

	Number of speakers	Percentage of the total population
Luxembourgish	265731	55.8%
Portuguese	74636	15.7%
French	57633	12.1%
German	14658	3.1%
Italian	13896	2.9%
English	10018	2.1%
Dutch	4334	0.9%
Spanish	3779	0.8%
Serbian	2173	0.5%
Polish	2141	0.4%

Table 6. Top ten 'Hauptsprachen' (main languages) in Luxembourg according to 2011 Census (Fehlen/Heinz 2016: 33)

Since the 1970s, the language situation in Luxembourg has changed significantly: as a consequence of the agreements signed between Luxembourg and Portugal in 1970 and 1978 for the purpose of importing labour from Portugal, Portuguese has grown to become the second most widely spoken language in Luxembourg, although it does not

[1] The data mentioned in Table 6 are based on the 2011 Census. People were asked which language they thought in and knew best. Fehlen/Heinz (2016) use the term 'main language' (*Hauptsprache*) as an alternative to this question.

[2] In 1984, Luxembourgish was officially recognised as the national language of Luxembourg through the *loi du 24 février 1984 sur le régime des langues* (Law of 24 February 1984 on language regime; henceforth '1984 Language Law').

[3] The Ministerial decree of 22 February 1834 *Arrêté royal concernant l'usage des langues allemande et française dans les actes publics* established German and French as languages of the state (langue du pays), and gave people the choice to use these languages.

[4] See §3.3.1 for details.

have any official status.[5] In order to conduct a historical-structural analysis of the language policies of Luxembourg, one needs to investigate a number of questions. First, an analysis of historical factors requires an investigation of why it took Luxembourgish around 150 years – since the foundation of Luxembourg as a modern state – to be declared the 'national language' especially in view of the fact that nineteenth-century nationalism was inherently tied to the 'one nation – one language' model.[6] Second, an analysis of structural factors needs to examine whether the language policies in Luxembourg are also based on the autochthonous-allochthonous divide that shapes EU policies. Finally, one must examine the implications of the 1984 Language Law, and question whether the selection of Luxembourgish as the 'national language' constrains individual and institutional language choices.

3.2 Historical-structural factors

3.2.1 The 'foreign' in Luxembourg's history

An examination of the historiography of Luxembourg reveals that 'foreign occupation' and the 'image of a shrinking territory' are recurrent themes (Horner/Weber 2008: 72).[7] The foreign occupation, also sometimes referred to as 'four centuries of domination', started in 1443 when the duchy was acquired by Philip the Good, Duke of Burgundy (Newton 1996a: 8). From the seventeenth century onward, Luxembourg underwent what Horner/Weber (2008: 72) term 'three partitions'. The first partition took place in 1659 under the *Treaty of Pyrenees* (1659) when France gained control of part of the southern territory of Luxembourg and the towns of Thionville and Montemedy (Shelley 2013: 45). The second partition occurred at the *Congress of Vienna* in 1815 at the end of the Napoleonic Wars. Fehlen (2009: 13) argues that the second partition initiated the development of modern Luxembourg, as it was granted the status of a Grand Duchy and proclaimed an independent state. However, Luxembourg's independence was not absolute because the Vienna Treaty declared that King William I (1772−1843), monarch of the 'Kingdom of the Netherlands', would be the ruling sovereign of the Grand Duchy (Horner/Weber 2008: 72). Moreover, the Grand Duchy was also made a

[5] The first agreement between Luxembourg and Portugal was signed in 1970 and was incorporated into Luxembourgish law in 1972. See *Loi du 11 avril 1972 portant approbation de l'Accord entre le Grand-Duché de Luxembourg et la République portugaise relatif à l'emploi des travailleurs portugais au Luxembourg, signé à Lisbonne, le 20 mai 1970*.

[6] I borrow the expression 'one nation – one language' from Kaplan et al. (2000: 2).

[7] The theme of foreign occupation and the images of a shrinking territory do not portray a complete picture because Luxembourg's territory did not always shrink: it grew significantly in the first four centuries of its foundation and measured around 10000 km^2 at its greatest extent. Moreover, Luxembourg's presence in Bohemia was itself seen as 'foreign'. See Newcomer (1984).

part of the German Confederation (*Deutscher Bund*), with the result that while Luxembourg formed part of the Kingdom of the Netherlands, its fortress was also part of the German Confederation, and garrisoned until 1867 by Prussian troops (Newton 1996a: 12).



Fig. 8. Map of Luxembourg (D-Maps 2018b)

According to Newton (1996a: 10), William's rule was seen as 'foreign' because apart from a brief visit to Arlon in 1817, he 'never set a foot in his Grand Duchy'.[8] This feeling was further intensified by the policy of 'Germanisation' pursued during his regime (Newton 1996a: 12). His advisor, Christian-Ernest Stifft, a German from Nassau, had worked on reports that compiled a dossier of Luxembourgish institutions and people suspected of anti-Dutch sentiments (ibid.). This policy gained impetus when Hans Daniel Hassenpflug (1794-1862), who was appointed by William I as head of the civil administration in 1839, set about his goals of 'harmonising the administration in accordance with that of Germany, dispelling the ideas of independent national sovereignty, inculcating fear of the Grand Duke, and bringing about absolute compliance with his orders' (ibid.).[9]

The third partition of Luxembourg took place in 1839 through the *Treaty of London*, which made Belgium an independent state and gave it a large part of Luxembourgish territory. Luxembourg, on the other hand, continued to be a part of the Kingdom of the Netherlands. The foreign occupation of Luxembourg (temporarily) ended in 1867 through the revised *Treaty of London* when the Prussian garrison was removed, and Luxembourg was declared neutral.[10] In the twentieth century, Luxembourg was once again occupied by foreign forces. In 1914, Luxembourg was invaded by German troops, although the government was left intact, and Luxembourg was not incorporated into the German state (Horner/Weber 2008: 74). However, during WWII, the Nazi government incorporated Luxembourg into the Third Reich in 1940 and justified it using the argument that Luxembourgers were ethnically and linguistically German (ibid.).

3.2.2 The 'foreign' in contemporary Luxembourg

Although the sovereignty of Luxembourg has remained intact since the end of WWII, the historiography which is underpinned by the theme of 'four centuries of domination' has shaped Luxembourg's complicated relationship with the 'foreign'. A telling

[8] William's rule over Luxembourg was foreign not only in political terms. The Protestant denomination of the king was also a crucial element that was seen as foreign because most residents of present-day Luxembourg and southern present-day Belgium were Roman Catholics (Shelley 2013: 82).

[9] While the accounts of occupation by the Netherlands, Belgium, and Prussia are correct, a unidimensional narrative of Prussia as an aggressor is not entirely correct because Luxembourg had been a member of the German Customs Union (*Zollverein*) since 1842, which, according to Newton (1996a:12), led to 'a period of industrial development and prosperity'.

[10] Although Luxembourg was declared neutral in 1867, it violated its neutrality principle during the Franco-Prussian War (1870-1871), as it allowed food supplies for the French at Thionville to be routed on a railway track which ran through the Grand Duchy (Newton 1996a: 13).

example of this complicated relationship is that residents of foreign nationalities do not enjoy any voting rights in Luxembourg despite forming a significant proportion of the population and actively contributing to the economy. Only Luxembourgers living in Luxembourg who are above 18 years of age, and enjoy civil and political rights are allowed to vote (Art. 52, Constitution of Luxembourg 2016). In a referendum conducted in June 2015, more than 70% of the Luxembourgish voters voted against granting residents of foreign origin the right to vote (OECD 2017: 13). The overwhelming rejection of voting rights for residents of foreign origin is intertwined with the gradual demographic change in Luxembourg since the 1970s. According to Horner/Weber (2008: 69), the number of non-Luxembourgish citizens living in Luxembourg has been increasing steadily since the end of WWII, especially since the 1970s. In 1981, the total population of 'resident foreigners' amounted to 26.3% which increased to 29.4% in 1991.[11] It rose further to 36.9% in 2001, and 43.5% in 2011. In 2017, residents of foreign origin constituted 47.7% of the total population (Table 7).

Year	1981	1991	2001	2011	2017
Total Population	364,000	384,400	439,500	512,400	590,667
Luxembourgers	268,800	271,400	277,200	291,900	308,919

Table 7. Luxembourg's population (1981-2017) (see Le portail des statistiques 2018)

Such a demographic change creates a challenging situation for Luxembourg because the narrative of domination by foreigners contradicts the current socioeconomic realities that require labour to sustain the economy. Scholars such as Kollwelter (2007) take a critical view of how Luxembourg has covertly tried to retain certain aspects of its 'identity' by selecting immigrants mainly from Southern European countries such as Italy and Portugal. Kollwelter (2007) argues that 'while the government maintained no explicit policy regarding immigration for much of the twentieth century, the implicit policy centred on accepting mainly white, Catholic, European immigrants from Italy and Portugal'. Horner/Weber (2008: 72-73) note that, prior to the formation of the state and the subsequent declaration of neutrality, the Catholic Church had served to provide a sense of cultural unification, and had a major impact in many areas of social and political life. The Catholic Church is still important in Luxembourg's public life, as it controls the most-widely read daily newspaper in Luxembourg, the Luxembourg Wort (Horner/Weber 2008: 101). Finally, it should be noted that despite the religious connection, the Portuguese minority has been subjected to discrimination in the past.

[11] Horner/Weber (2008: 69) use the term 'resident foreigner' for 'foreigners with a residence permit'. It is a translation of the French term *résidents étrangers*. The term 'resident foreigner' can also be found on English language versions of certain official Luxembourgish websites. See OPGDL 2016.

For example, in 2014, Portuguese-speaking schoolchildren were punished for using Portuguese in the classroom (cf. §3.3.2).

3.2.3 Lëtzebuergesch and Luxembourgish identity

In §2.3.1.2, I have discussed how the EU creates a hierarchy amongst its official languages by using different designations such as 'official' and 'working' to determine which languages will be preferred in different policy domains. Luxembourg uses a similar categorisation, but the key difference is that Luxembourg's categories are more essentialist in nature. While the EU does not portray any language as 'the language of the Union', Luxembourg designates Luxembourgish as its 'national language', while reducing French and German to the status of 'official languages'. The intertwining of Luxembourgish with national identity is evident in the designation *Heimatsprache* (native language), the first instance of which can be found in the 1922 school syllabus.[12] The emergence of Luxembourgish as *Heimatsprache* is rooted in the geopolitical developments of the nineteenth century.[13] The Belgian revolution which started in 1830 and led to the creation of Belgium in 1839 was supported by the language movement called *De Tael is gansch het Volk* which translates as 'the language is entirely the nation' (Newton 1996b: 181). The Belgian movement acted as a catalyst for the language movement in Luxembourg. The post-1839 period also witnessed the emergence of the motto *mir wolle bleibe was wir sin* ('we want to remain what we are') that is today the national motto of Luxembourg which, according to Newton (1996b: 182), signified symbolic resistance against Prussian control.[14]

French could not assume the role of *Heimatsprache* because the French-speaking territory was lost to Belgium in 1839 (Fröhlich/Hoffmann 1997: 1160) making French a minority language in Luxembourg. German was seen as the language of the aggressor due to Germany's role in the two World Wars, while Luxembourgish became a tool of resistance, especially during WWII (Péporté et al. 2010: 280). As mentioned in the previous sections, the Nazi government justified the occupation of Luxembourg by using the argument that Luxembourgers were ethnically and linguistically German. In

[12] *Beschluß vom 6. September 1922 betr. die Revision des Lehrplanes für die Primärschulen des Großherzogtums.*

[13] The use of the word *Heimatsprache* to refer to Luxembourgish is ironic because this word is German. The Luxembourgish word – depending on the orthography – would be written as *Heemechtsprooch.*

[14] This motto first appeared as a part of a song called *D'Lëtzebuerger* 'The Luxembourgers' (now known as *De Feierwon* 'the fire-wagon = railway train') that was first performed on 4 October 1859 at a concert to celebrate the coming of railways to Luxembourg, which according to Newton (1996b: 182) was a major event since it provided the Grand Duchy with its first permanent connection to the outside world.

October 1941 the Nazi government conducted a census in Luxembourg that consisted of questions on *Jetzige Staatsangehörigkeit* ('current citizenship'), *Muttersprache* ('mother tongue'), and *Volkszugehörigkeit* ('ethnicity') to which many people answered with *Lëtzebuergesch* (Horner/Weber 2008: 74). This act of symbolic protest, also known as *dräimol Lëtzebuergesch* ('three times Luxembourgish'), played an important role in making Luxembourgish an integral part of Luxembourgish identity (ibid.).

3.2.4 Resurgence of Luxembourgish

After the end of WWII there was a strong drive towards literary proliferation of Luxembourgish with the goal to substitute German with Luxembourgish (Newton 1996b: 189-190). However, this drive did not find much support from the public (ibid.). The reason behind the failure of this movement was that readers felt alienated by such works: Newton (ibid.) argues that the writers were 'doing a disservice to the language by forcing it to carry out too many tasks too quickly'.[15] In 1946, a new spelling system known as the Feltes-Margue spelling was introduced to offer guidance on how to write in Luxembourgish.[16] The Feltes-Margue spelling system, which was aimed at distancing Luxembourgish 'as far as possible' from standard German, was rejected by the public due to its complexity (Garcia 2014: 119). The 'weak reverberation' of the language promotion association *Eis Sprooch*, created in 1952, and the 'disappearance' of its journal further illustrate the decline of interest in the language in the 1950s and 1960s (ibid.). More generally, questions related to the topic of national identity are not seen as central political issues during this period and are largely absent from public and political debates (ibid.).

It was only in the 1970s that the Luxembourgish language movement gained momentum, primarily after the foundation of Actioun Lëtzebuergesch in 1971. Actioun Lëtzebuergesch has contributed immensely to the growth of Luxembourgish in terms of status and corpus planning. It was one of the main lobby groups pushing for the 1984 Language Law (Horner/Weber 2008: 112). It was also the first group to organise 'Luxembourgish as a foreign language' classes (ibid.). Since its inception, it has regularly published columns in Luxemburger Wort, the most widely read newspaper of Luxembourg, criticising the use of 'foreign' lexical items in Luxembourgish,

[15] The works being referred to include 'Lucilinburhuc' by Siggy of Luxembourg, and 'De gro'βe Käser' by Gillius Döll (Newton 1996b: 190).
[16] *Arrêté ministériel du 5 juin 1946 portant fixation d'un système officiel d'orthographe luxembourgeoise*.

particularly items which are perceived to be German (ibid.). In 1998, it also published a book entitled *Gréng a Rout Lëschten* ('Green and Red Lists'), which consists of prescriptive suggestions regarding the use of certain lexical items and phrases (ibid.). Horner/Weber (ibid.) observe that Actioun Lëtzebuergesch' discourses are based on a primarily ethnic model of the nation, and rely on romanticist notions that essentialise Luxembourgish (national) identity.

One may ask why was it only in the 1970s that the Luxembourgish language movement became prominent. According to Garcia (2014: 119), the reason lay in Luxembourgish society being affected by certain trends that also influenced other European states at the time. These trends include globalisation, European integration, the 1970s economic recession, and the increased presence of migrants. The growing number of immigrants, who represented 26.3% of the total population in 1981, started to be perceived as a threat, especially since birth rates amongst Luxembourg nationals were decreasing (ibid.). The Calot Report on Luxembourg's population triggered a wave of 'alarmist discourses' around the idea that Luxembourgish people were 'bound to disappear' (Garcia 2014: 119; Calot 1978). At the end of the 1970s, in the context of increasing immigration and decreasing birth rates, Prime Minister Gaston Thorn of the Democratic Party (DP) wondered about a possible 'demographic suicide' (Péporté et al. 2010: 7). In the wake of these demographic changes, the Luxembourgish language was presented as threatened by extinction, and 'claims for obliging immigrants to learn Luxembourgish came to be seen as acceptable' (Garcia 2014: 120).

In the last two to three decades the government has introduced several measures aimed at promoting the status and use of Luxembourgish. In 1998, it established a language academy called the 'Conseil permanent de la langue luxembourgeoise' (Permanent Council for the Luxembourgish Language).[17] In 1999, it introduced a new spelling system through the *Règlement grand-ducal du 30 juillet 1999 portant réforme du système officiel d'orthographe luxembourgeoise*. Recent policies also show a tendency towards an implicit marginalisation of French and German. For example, in 2017, the government announced a '20-year action plan' for the promotion of Luxembourgish according to which managers and staff working in sectors such as medicine should be able to express themselves in Luxembourgish and in one of two other 'usual' languages

[17] *Règlement ministériel du 5 janvier 1998 portant création du Conseil permanent de la langue luxembourgeoise.*

(*ainsi le chargé de direction et le personnel doivent pouvoir s'exprimer en luxembourgeois et dans au moins une des deux autres langues usuelles*) (MENEJ 2017). Such a formulation creates a binary in which Luxembourgish is placed on one side, and French and German on the other. Moreover, such references to French and German also mark a shift from the policies, in which French, German, and Luxembourgish were collectively designated as 'official languages of the country' (*langue officielle du pays*),[18] 'three administrative languages' (*trois langues administratives*),[19] and in rare cases 'three national languages' (*trois langues nationales*).[20] In the following sections, I examine whether, or the extent to which, the policy of explicit promotion of Luxembourgish entails implicit marginalisation of French and German in different domains.

3.3 Policies

3.3.1 Administration

The 1984 Language Law allows the use of French, German, and Luxembourgish in administrative and judicial matters. The increasing focus on Luxembourgish in administration is a recent phenomenon, and French has been the dominant language in this domain for a large part of Luxembourg's history since WWII. An interesting case of the dominance of French can be found in the *Règlement grand-ducal du 8 avril 1991 régissant le livret de marin* which states that – on the identity cards of seamen – the details in French should be written in bigger letters than German or English (*Toutes ces mentions sont imprimées en langue française et figurent en caractères moins importants en langues allemande et anglaise*). This Regulation does not mention Luxembourgish, which was the national language of Luxembourg at the time of enactment of this Regulation. The absence of Luxembourgish could be due to the lack of a standard orthography at the time or due to the lack of international recognition of Luxembourgish.

The dominance of French can also be judged from the different requirements for the selection and promotion to government jobs. The entrance examinations for a number of jobs require the candidates to take written/oral tests or submit reports in either German or French or both, but the examinations for promotion are likely to omit German and

[18] See Article 4 of the *Règlement grand-ducal du 18 mars 2000 concernant la certification des animaux et des produits animaux*.
[19] See Article 3 of *Règlement grand-ducal du 25 juin 2012 sur le recrutement et la formation des attachés de justice.*
[20] See Article 9 of the *Règlement grand-ducal du 3 février 1992 relatif à la sécurité des jouets*.

simply ask for a French-language test. For example, the 2014 Regulation concerning the selection and promotion of candidates in the Department of Roads and Bridges decrees that the entrance examination will consist of a report worth 15 marks in German or French (the choice of language depends on the candidate), while the examination for promotion will consist of a report worth 15 marks in French (no choice available).[21] For certain positions, knowledge of French becomes the decisive factor even for entrance examinations. For example, if two candidates score the same number of points in the entrance examination for the job of police inspector (*inspecteurs de police*), which consists of tests in Luxembourgish, French, German, and English worth 60 points each, then the final selection is the made on the basis of points scored in French (*En cas de note finale identique entre deux ou plusieurs candidats, la note obtenue à l'épreuve de langue française est déterminante pour départager les candidats*).[22]

As mentioned at the beginning of this section, the use of Luxembourgish in administration is a recent phenomenon. From my investigation of Luxembourg's statutes, I conclude that knowledge of Luxembourgish is used as a covert mechanism to restrict access to high-ranking positions, especially those related to civil services. The government positions in Luxembourg are divided into three categories: *carrière supérieure*, *carrière moyenne*, and *carrière inférieure*. The *carrière supérieure* category includes positions related to administration, education, judiciary, and police and army, and one needs a university degree for being selected for these jobs.[23] *Carrière moyenne* refers to medium-ranked jobs such as editor, and *carrière inférieure* includes low-ranked jobs such as concierge. Candidates need to have a master's degree for *carrière supérieure*, while *carrière moyenne* requires a completed secondary or technical secondary education. The public administration, especially concerning civil services, is a sector where language policy is instrumentalised to maintain the dominance of the Luxembourgish-speaking population. For example, the 2012 Regulation of the Office of the Chamber of Deputies decrees that candidates must take two different language tests

[21] *Règlement ministériel du 25 mars 2014 portant modification de l'article 1er du règlement ministériel modifié du 28 novembre 1974 ayant pour objet de fixer les programmes détaillés des examens d'admission au stage, d'admission définitive et de promotion du personnel des cadres de l'administration des ponts et chaussées.*

[22] See Article 11 of *Règlement grand-ducal du 27 avril 2007 déterminant 1) les conditions de recrutement, d'instruction et d'avancement du personnel policier; 2) les conditions d'admission au Service de police judiciaire et au Service de contrôle à l'aéroport; 3) le statut et l'indemnité des volontaires de police; 4) le droit de priorité des volontaires de l'armée pour accéder à la carrière des inspecteurs.*

[23] *Règlement grand-ducal du 22 octobre 2009 fixant le nombre des emplois des différentes fonctions du cadre fermé pour les diverses carrières dans les administrations et services de l'Etat.*

worth 60 points each.[24] The first test is just for Luxembourgish, while the other one is a combined test for French, German, and English, which indicates the superiority of Luxembourgish over other languages. Such a regulation creates a barrier for applicants from the other EU member states, as well as for Luxembourgers, who are not well-versed in Luxembourgish.

Apart from restricting access to *carrière supérieure* positions, Luxembourgish is also used as a constraint in citizenship tests. The 2001 Law on Luxembourgish Nationality decrees that naturalisation will be refused if the applicant does not provide evidence of sufficient integration (*intégration suffisante*) which includes active and passive knowledge of at least one of the three official languages of Luxembourg, and basic knowledge of Luxembourgish (Art. 1.5).[25] The level of language competency is made more specific in the 2008 Nationality Law (*loi du 23 octobre 2008 sur la nationalité luxembourgeoise*). Article 7(b) of the 2008 Law stipulates that those applying for naturalisation need to provide evidence that – in accordance with the Common European Framework of Reference for Languages (CEFRL) – their listening skills in Luxembourgish meets the level B1, while their spoken skills should be of the level A2.[26] The language tests for naturalisation have been criticised by a number of scholars such as Horner/Weber (2008) and Kremer (2014). Their criticism is in agreement with Shohamy (2006: 107) who argues that 'expelling and de-legitimising people because of their not knowing the dominant language is again a form of violation of language rights,' and maintains that 'knowledge of a power language, or in fact of any language, should not be used as a condition "for living".'

The final point concerns the manifestation of the different categories at the textual level. As briefly indicated in §3.2.4, Luxembourg's statutes mostly refer to Luxembourgish, French, and German (in this order) as *langue usuelle du pays*, *langue officielle du pays*, *trois langues administratives*, and in rare cases, *trois langues nationales*. Sometimes,

[24] *Règlement du Bureau de la Chambre des Députés portant organisation des examens-concours pour l'admission au stage dans la carrière supérieure de l'attaché dans l'administration parlementaire (2012).*
[25] *Loi du 24 juillet 2001 portant modification de la loi du 22 février 1968 sur la nationalité luxembourgeoise, telle qu'elle a été modifiée.*
[26] The CEFRL is a guideline developed by the Council of Europe to assess linguistic competence of language learners. It was adopted by the EU through the *Council Resolution of 14 February 2002 on the promotion of linguistic diversity and language learning in the framework of the implementation of the objectives of the European Year of Languages 2001*.

French and German are also described as *langues véhiculaires* in certain statutes.[27] The most striking change, however, is the use of *langue étrangère* for French and German in the 2012 Regulation concerning positions in parliamentary administration:[28]

> Art. 3. L'examen d'aptitude générale se fait sous la forme d'un examen écrit. Les épreuves d'examen comprennent:
> 1. Epreuve de **langue luxembourgeoise**, traduction et questions: 60 points
> 2. Epreuve de **langues étrangères**, questions […] en langues française, allemande et anglaise: 60 points
> [Art. 3. The general aptitude test is in the form of a written examination. Examination tests include:
> 1. **Luxembourgish** examination, translation and questions: 60 points
> 2. **Foreign languages** examination, questions […] in French, German and English: 60 points] (my emphasis and translation)

The use of the term 'foreign language' is significant especially in the context of the positions concerned. These high-ranking jobs are mainly occupied by Luxembourgers of Luxembourgish nationality, and therefore, it becomes clear that such a policy is driven by the ideology of the elite. Second, one should also examine the dichotomous nature of the two categories, as Luxembourgish is contrasted with 'foreign languages'. Such a contrastive pairing implicitly assumes that Luxembourgish is the language of everyone in Luxembourg, and leads one to ask whether this binary opposition indicates a gradual shift towards the 'one nation – one language' ideology in Luxembourg. It is important to remember that in the process of defining oneself, one ends up defining the 'other'.

3.3.2 Legal safeguards for minority languages

There are no statutes in Luxembourg's law which promote minority languages or prohibit language-based discrimination. For example, Portuguese is one of the main minority languages in Luxembourg, and although it is widely spoken there, there is a lack of statutes that promote Portuguese in different policy domains. Berg/Weis (2005: 45) argue that Portuguese is treated as a 'sub-language' (*sous-langue*) in Luxembourg.[29] There is not much emphasis on the teaching of Portuguese in schools which is problematic, especially in view of the different agreements signed between Luxembourg and Portugal for promoting the teaching of Portuguese. For example, the 1970

[27] *Règlement grand-ducal du 8 septembre 2016 concernant les lignes directrices du cours commun «vie et société».*
[28] *Règlement du Bureau de la Chambre des Députés portant organisation des examens-concours pour l'admission au stage dans la carrière moyenne du rédacteur dans l'administration parlementaire (2012).*
[29] The quote reads as follows: 'D'un côté le portugais est une «sous-langue», peu respectée, peu valorisée, enseignée tout au plus en marge du système scolaire'.

Agreement between Luxembourg and Portugal states that the Luxembourgish and Portuguese authorities will work together to facilitate and promote the teaching of Portuguese language in Luxembourg.[30] However, if one examines the statutes concerned with different levels of education, one notices that Portuguese is rarely mentioned.[31] The use of Luxembourgish and German as the media of instruction at different levels of schooling affects the performance of Portuguese-speaking pupils. A study conducted in the early 1990s by Kathryn Davis showed that the students from the Romanophone group are disproportionately represented in the technical secondary schools (Davis 1994: 112–116). This trend has not changed much since then, as is clear from Table 8, which shows that 85.6% of the students of Portuguese nationality attend technical secondary schools, while for Luxembourgers this proportion is only 53.5%.

	Nationality					
School type	Luxembourgish	Portuguese	Ex-Yugoslavian	Other EU	Other non-EU	Total
General secondary	46.5%	14.4%	17.6%	42.9%	51.9%	42%
Technical secondary	53.5%	85.6%	82.4%	57.1%	48.1%	58%
Total	100%	100%	100%	100%	100%	100%

Table 8. Proportion of students who completed schooling in different streams in the year 2007-08 (MFI 2010: 63).

Luxembourgish schools also report cases of pre-primary and primary level pupils being punished for using Portuguese in the classroom (Luxembourg Times 2014). Such prohibition contradicts the inclusive-education policy which speaks of enhancement of linguistic and cultural diversity.[32] In 2014, the issue of a ban on the use of Portuguese in Luxembourg's schools was raised by Antonio Marinho de Pinto, an MEP from Portugal, in the European Parliament, to which the Commission responded that it was 'not aware of the facts reported by the Honourable Member concerning the policy of the Luxembourgish authorities on the use of languages between lessons in school', and

[30] See Article 11.4 of *Loi du 11 avril 1972 portant approbation de l'Accord entre le Grand-Duché de Luxembourg et la République portugaise relatif à l'emploi des travailleurs portugais au Luxembourg, signé à Lisbonne, le 20 mai 1970.*

[31] There are not many statutes that provide for the teaching of Portuguese in schools except those concerning European or international schools such as the *Loi du 26 février 2016 portant création d'une école internationale publique à Differdange,* Article 3.1 of which provides for a choice between German, English, French or Portuguese.

[32] See Article 5 of *Loi modifiée du 13 mai 2008 portant création d'une Ecole préscolaire et primaire de recherche fondée sur la pédagogie inclusive.*

stated further that 'this matter [did] not fall within the remit of the EU's competences and the Commission is therefore not in a position to take any specific steps' (EP 2014b; 2015). The drawback of the Luxembourg's education policy is that Luxembourg has consistently underperformed in the *Programme for International Student Assessment* (see §3.3.4), which is disadvantageous for immigrants because in the popular media discourse they are portrayed as the reason for Luxembourg's poor PISA scores (Weber 2009b: 148). In view of the points discussed above, Luxembourg's language policy can be described as unfavourable towards minority languages.

3.3.3 Law

The declaration of Luxembourgish as 'national language' has not constrained the use of French which is the primary language in the legal domain, as decreed by the 1984 Language Law (*Les actes législatifs et leurs règlements d'exécution sont rédigés en français*, Art. 2).[33] The 1984 law also establishes that if a certain text is accompanied by translations, only the French text is authoritative (*Lorsque les actes législatifs et réglementaires sont accompagnés d'une traduction, seul le texte français fait foi*, Art. 2). Before WWII, Luxembourg's legislation was published in both French and German. For example, one of the earliest documents to mention French and German was the 1817 decree on the territorial demarcation of Luxembourg which stated that the 1817 Decree will be published in 'both languages' (*le présent arrêté seront imprimés dans les deux langues*). [34] Moreover, the 1830 Royal Decree on languages which was enacted during the regime of William I of the Netherlands stated that the use of French and German would be continued in the Grand Duchy of Luxembourg. [35] The Ministerial decree of 22 February 1834 (*Arrêté royal concernant l'usage des langues allemande et française dans les actes publics*) established German and French as languages of the state (*langue du pays*), and gave people the choice to use either of these languages in a variety of contexts.

The *Arrête de sa majesté du 4 janvier 1835 concernant la police de la presse* states that French and German must be regarded as 'national languages' in the Grand Duchy ('*[…]*

[33] However, citizens have the right to write to authorities in any of the three official languages, and receive a response in their preferred language. See Article 4 of *Loi du 24 février 1984 sur le régime des langues*.

[34] *Arrête relatif à la nouvelle délimitation du Grand-Duché de Luxembourg.*

[35] *Arrêté royal grand-ducal du 4 juin 1830 contenant des modifications aux dispositions existantes au sujet des diverses langues en usage dans le royaume, publié au Journal officiel des Pays-Bas, t. 25, n° 19.*

dans le Grand-Duché la langue française doit être considérée comme langue nationale aussi bien que la langue allemande', Art. 1). Whether French and German were of equal standing is not explicitly mentioned in the statutes above but in rare cases one can find clauses that imply the superiority of French to German. For example, a Ministerial decree from 1901 on the transport of goods through railways states that the German text appended to the original report will have the same effect as the French text because it concerns transport to a country where German is used exclusively or alongside other languages as business language.[36] However, one must also consider that this decree was enacted after the revised Treaty of London (1867) and the Franco-Prussian War (1870-71) during which the German language might not have had the same influence, given Luxembourg had de facto independence, and exercised greater control of its internal affairs than during the pre-1839 period.

The 1868 Constitution of Luxembourg decrees that use of German or French is optional, and there are no restrictions on their use ('*L'emploi des langues allemande et française est facultatif. L'usage n'en peut être limité*', *Constitution du 17 octobre 1868*, Art. 29). Such provisions cannot be found in the post-WWII era, as French is the only language of legislation in Luxembourg. When the 1868 Constitution was revised in 1948, it omitted German and decreed that the use of language in administrative and judicial matters is decided by law (*La loi réglera l'emploi des langues en matière administrative et judiciaire*).[37] This is an interesting formulation because it elides the agency responsible for the policymaking. It must be pointed out that law cannot exist by itself, but is rather created by law-makers. Therefore, in order to understand the latent power structures, one needs to examine the ideology of the policymakers. Since the end of WWII, Luxembourg's policymakers have clearly favoured French over German in the legal domain.

3.3.4 Education

Schooling in Luxembourg is divided into fundamental (*école fondamentale*) and secondary education (*enseignement secondaire*) (OPGDL 2015a). Fundamental education covers the first nine years of schooling, and is for children aged between 3

[36] *Arrêté grand-ducal du 1er août 1901, portant publication de la Convention additionnelle à la Convention internationale sur le transport de marchandises par chemins de fer, signée à Paris le 16 juin 1898* states the following: '*un texte allemand est annexé au présent procès-verbal, et il est entendu que ce texte aura la même valeur que le texte français en tant qu'il s'agit de transports par chemins de fer intéressant un pays où l'allemand est employé exclusivement ou à côté d'autres langues comme langue d'affaires*'.

[37] See *Constitution. Texte coordonné à jour au 20 octobre 2016*.

and 11 (OPGDL 2015a). It consists of four learning cycles (*cycles d'apprentissage*): (i) Cycle 1 for children aged 3-5, including a first, optional year of early childhood education (*éducation précoce*) and two years of pre-school education (*éducation préscolaire*), (ii) Cycle 2 for children aged 6-7, (iii) Cycle 3 for children aged 8-9, and (iv) Cycle 4 for children aged 10-11 (OPGDL 2015a). Cycle 2, 3, and 4 collectively constitute primary education (*enseignement primaire*). Secondary education (*enseignement secondaire*) lasts either six or seven years, and is divided into general secondary (*enseignement secondaire*), and technical secondary (*enseignement secondaire technique*) (OPGDL 2015b). Whether a pupil receives 'technical secondary' or 'general secondary' education is decided – amongst other factors – on the basis of the marks obtained in French, German and Mathematics at the end of the fundamental education (MENEJ 2014: 9).

The Luxembourg education system is termed 'trilingual' because the three official languages are used as the media of instruction at different levels of schooling (Horner/Weber 2008: 88). The medium of instruction gradually changes from Luxembourgish to German to French. The 2011 Regulation on the syllabus of different levels of primary education decrees that Luxembourgish is the medium of instruction in the first cycle of primary education ('*au cycle 1, la langue d'enseignement employée est le luxembourgeois'*).[38] Moreover, the use of Luxembourgish is allowed for facilitating oral communication *('La langue luxembourgeoise peut être utilisée pour faciliter la communication orale'*).[39] The 2011 Regulation also permits the use of Luxembourgish, French and German for explaining various subjects. However, written explanations must be offered in German ('*les explications écrites sont données et rédigées en allemand*', Art. 4). The time dedicated to language learning in primary-level schooling amounts to 11 hours per week (out of a total of 28) for second cycle, and 13 hours per week for the third and fourth cycle (MENPF 2011: 237-238). Out of these, the time reserved for teaching Luxembourgish amounts to one hour per week.

Due to the trilingual policy, the Luxembourgish educational system is sometimes held up as a model for other EU member-states, especially in official Ministry discourses

[38] See Article 1 of *Règlement grand-ducal du 11 août 2011 fixant le plan d'études pour les quatre cycles de l'enseignement fondamental.*
[39] See Article 3 of *Règlement grand-ducal du 10 août 1991 concernant les lignes directrices du programme, la durée et l'organisation du cours de formation morale et sociale ainsi que la formation des enseignants chargés de ce cours.*

(Horner/Weber 2008: 87). But in view of the consequences on the performance of pupils and the inequalities generated by this policy, it can be considered problematic. First, the German-medium education at primary level creates difficulties for pupils from Romance-language households, and impedes their progress to the 'general secondary' schools, which is the academic pathway of secondary education (Fehlen 1997: 40). According to Carey/Ernst (2006: 11), children from Romance-language speaking households represented around 28% of primary students, but their proportion was only around 10% in the academic track of secondary school. Second, even 'technical secondary' schools are problematic for students who do not speak Luxembourgish at home because the medium of instruction in these schools is German which increases the risk of school failure or dropout for pupils with limited proficiency in German or Luxembourgish (EC 2017).

The third problem is related to the challenge posed by the dominance of French in the general secondary schools. The group most affected by this problem consists of Luxembourgish-speaking children from lower socio-economic backgrounds who tend to experience greater learning difficulties in French than in German (Berg/Weis 2005: 90). The final problem of the trilingual policy is that immigrant children are held responsible for the overall poor performance of schools in international surveys. The culmination of the problems stated above shows in Luxembourg's poor performance in the Programme for International Student Assessment (henceforth PISA). Luxembourg has consistently performed 'below average' in the PISA score (Wolfensberger 2015: 96). According to the PISA survey conducted in 2012, the results of which were released in 2013, 'students in Luxembourg schools have improved their reading skills but still perform below the OECD average in all areas, with no less than 39% lagging behind in their schooling' (Chrillesen 2013). Such consistent poor performance led the former Luxembourgish Minister of Education Mady Delvaux-Stehres to admit the drawbacks of the rigid trilingual policy practised in Luxembourgish schools, as she noted that Luxembourg has yet to adapt its system to the heterogeneous population in schools, and, in order to get better results, must take the different language profiles into consideration early on and offer instruction better suited to each individual (ibid.).

However, the suggestions made by Delvaux-Stehres have not been realised so far. Carey/Ernst (2006: 12) argue that the authorities have long been aware that trilingual

education creates a more challenging learning environment for many schoolchildren. Some have even considered offering children the option between the current arrangements and an alternative in which the roles of German and French would be reversed to reduce barriers to achievement for immigrant children (ibid.). However, following a debate in 2000 on language education and integration of immigrant children, Parliament rejected this option out of the concern that it would undermine social unity by creating two distinct linguistic communities i.e. German and French speaking (ibid.). Yet, as Weber (2009b: 147) argues, 'none of these politicians and policy-makers seems unduly worried about the consequences of the ethnic and social class split that already exists at secondary school level, namely the division into general and technical secondary schools'.

Weber (2009b: 147) also points towards the contradictory discourses concerning the multilingualism practised in Luxembourg. On the one hand, the discourses on the international level project an image of the Grand Duchy as inhabited by a homogenous population with Luxembourgish as a home language and German, French and English as additional languages (ibid.). On the other hand, domestic discourses portray cultural and linguistic diversity as the root cause of the poor performance of Luxembourg in PISA (ibid.). Immigration patterns rather than pedagogical concerns are seen as being more directly connected to the results of Luxembourg (Weber 2009a: 48). The immigrant students are sometimes 'even looked upon as incompetent or lazy', and exhorted to make more of an effort (Weber 2009b: 147). Weber (2009b: 148) describes it as a 'blame the victim' strategy, with a multi-dimensional issue of exclusion and inequality being reduced to a one-dimensional problem of linguistic deficiency. Overall, it can be concluded that policies are especially disadvantageous towards schoolchildren who do not speak Luxembourgish, French or German at home.

3.3.5 Media

According to Fröhlich/Hoffmann (1997: 1165), German is the dominant language in the Luxembourgish print media. However, there has been a push for the promotion of Luxembourgish audio-visual media both from the state and grassroots-level actors. Since 1959, Radio Luxembourg has used one of its FM frequencies to transmit solely (though intermittently) in Luxembourgish (Hoffmann 1996: 114). The grassroots-level activity to promote Luxembourgish has been carried out mainly by *Actioun*

Letzebuergesch. In 1972, Lex Roth, the former president of *Actioun Lëtzebuergesch*, created his own radio show 'A moment for our language', which was broadcast three times a week on the main Luxembourgish radio station RTL (Garcia 2014: 126). His visibility increased further in 1979 with a TV show in which he informed the public on the then newly officialised Luxembourgish spelling rules (ibid.). In addition, Lex Roth as well as other AL members regularly publish articles in different Luxembourgish daily and weekly newspapers (ibid.).

There are not many statutes on the promotion of Luxembourgish in the media. Of the few such statutes, the most important one is the 2014 Grand Ducal regulation which concerns the 'Fonds national de soutien à la production audiovisuelle' (National Support Fund for audio-visual production). [40] The 2014 Regulation is directed towards supporting audio-visual productions which promote Luxembourg's image. The criteria for the promotion of Luxembourg's image include the promotion of its socio-cultural heritage, its history, its historical and tourist sites, and its language (*le Comité instruit les demandes et évalue les projets en considérant […] les critères concernant la promotion du Grand-Duché de Luxembourg, tels que: l'intérêt du projet pour le rayonnement de l'image de marque du pays et la promotion de son patrimoine socio-culturel, son histoire, ses sites historiques et touristiques, sa langue*). The *sa langue* part is an interesting formulation because it does not explicitly name the language. However, from the discussion on the intertwining of language and identity, it seems clear that the language in question is Luxembourgish. Such a formulation shows yet another example of the tendency towards the covert exclusion of French and German, and indicates that recent policies are driven by the undercurrent of a homogenisation policy.

3.3.6 Healthcare

Healthcare is one of the rare domains in which statutes consider minority languages. The 1977 Regulation on the medical well-being of pregnant women decrees that the maternity book will include advice in French, German, English, Italian, Spanish, and Portuguese (*'le carnet de maternité […] comporte en chacune des langues française, allemande, anglaise, italienne, espagnole et portuguaise des conseils à l'intention de la*

[40] *Règlement grand-ducal du 4 novembre 2014 portant exécution de la loi du 22 septembre 2014 relative au Fonds national de soutien à la production audiovisuelle*.

femme enceinte').[41] The 1980 Law approving the Second Protocol signed in 1978 between Luxembourg and Portugal makes provisions for informing Portuguese workers in the Portuguese language about health-related matters (including family planning).[42]

3.3.7 Business

Traditionally, the main languages of business and commerce in areas such as product labelling were French and German. However, one notices a tendency towards the promotion of Luxembourgish in the statutes since the 1970s which can be seen as a result of the grassroots level activity of Actioun Lëtzebuergesch. For example, according to a 1974 Regulation, the labelling and packaging of foodstuffs must appear in at least one of three languages, namely French, German, or Luxembourgish (*les dénominations et indications, apposées sur les denrées et boissons alimentaires, doivent figurer au moins dans une des trois langues française, allemande ou luxembourgeoise*).[43] The 1984 Language Law further underscored the promotion of Luxembourgish in the field of product labelling. A contrastive analysis of pre- and post-1984 statutes shows that the use of Luxembourgish was made mandatory. For example, the 1979 Law on the classification, packaging, and labelling of dangerous substances (such as drugs, pesticides, narcotics, etc.) states that it is forbidden to place on the market dangerous substances whose label is written in languages other than French or German ('*Il est interdit de mettre sur le marché des substances dangereuses dont l'étiquette est rédigé en des langues autres que la langue française ou allemande*').[44] On the other hand, the 1987 Law on the classification and packaging of dangerous substances decrees that it is forbidden to place on the market dangerous preparations whose label is not written in French, German or Luxembourgish ('*Il est interdit de mettre sur le marché des préparations dangereuses dont l'étiquette n'est pas rédigée en langue française, allemande ou luxembourgeoise*').[45]

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[41] See Article 12 of *Règlement grand-ducal du 8 décembre 1977 portant sur les modalités des examens médicaux et de l'examen dentaire de la femme enceinte et de l'examen postnatal de la mère, ainsi que sur le carnet de maternité.*

[42] See Article 15 of *Loi du 15 avril 1980 portant approbation du Deuxième Protocole, signé à Lisbonne, le 19 septembre 1978, modifiant l'Accord entre le Grand-Duché de Luxembourg et la République portugaise relatif à l'emploi des travailleurs portugais au Luxembourg, signé à Lisbonne le 20 mai 1970.*

[43] See Article 4 of *Règlement grand-ducal du 19 novembre 1974 concernant l'étiquetage et l'emballage des denrées alimentaires.*

[44] See Article 10 of *Loi du 14 mars 1979 concernant la classification, l'emballage et l'étiquetage des substances dangereuses*.

[45] See Article 4 of *Loi du 25 mars 1987 concernant la classification, l'emballage et l'étiquetage des préparations dangereuses (solvants) et portant modification de la loi du 18 mai 1984 concernant la classification, l'emballage et l'étiquetage des substances dangereuses*.

3.3.8 Social welfare

The 1998 Grand Ducal Regulation on social care decrees that the aid and care required by the person under social care shall be assessed by means of a questionnaire ('*Les aides et soins que requiert la personne dépendante et leur fréquence par semaine sont évalués à l'aide du questionnaire […]*').[46] Article 8 of the 1998 Regulation states that this questionnaire can be formulated in 'different languages' ('*La Cellule d'évaluation et d'orientation est habilitée à élaborer des versions dans différentes langues des questionnaires […]*'). Although this regulation does not specify the languages in which the questionnaire can be prepared, the term 'different languages' can also include minority languages.

3.4 Textual analysis

Since WWII, Luxembourg's legislation has been published only in French. According to Banks (2003: 325), 'the realisation of modal meaning in French covers more or less the same range of resources as English, with the exception that where English has an "auxiliary + verb" construction, French does not, and uses rather a "verb + infinitive" construction'. Banks (ibid.) notes that 'French grammars usually call the finite verb in this construction a "semi-auxiliary"'. The three main 'semi-auxiliary' verbs expressing deonticity in French are *pouvoir* (can, may), *devoir* (must), and *falloir* (must). Of these, the use of 'falloir' is not common in legal texts. As the use of *falloir* is not common in the texts investigated, this section mainly focuses on how *pouvoir* and *devoir* are used to promote certain languages over others.[47]

Prior to examining the use of *pouvoir* and *devoir*, it is useful to highlight a key difference between statutes in English and French. This difference concerns the verb 'shall'. English statutes use 'shall' to indicate both obligation and future-tense usage, which can sometimes make it difficult to interpret these statutes. This problem does not occur in French because future-tense usage in French is represented by verb inflection:

[46] See Article 1 of *Règlement grand-ducal du 18 décembre 1998 fixant les modalités de la détermination de la dépendance*.

[47] One of the rare statutes which uses 'falloir' for determining use is the 2008 Nationality Law (*loi du 23 octobre 2008 sur la nationalité luxembourgeoise*). Article 10 of the 2008 law decrees that in order to be naturalised, one must obtain a certificate of Spoken Luxembourgish ('*Pour être admis à la naturalisation, il faut […] un certificat de réussite de l'épreuve d'évaluation de la langue luxembourgeoise parlé'*, Art. 10).

> *En fonction de son niveau de carrière, le candidat **déterminera** laquelle des trois langues constituera sa première, sa deuxième et sa troisième langue*.[48]
> [Depending on his career level, the candidate **will determine** which of the three languages will constitute his first, second, and third language] (my emphasis and translation)

The deontic meaning of 'shall' is generally expressed by *devoir* (must) in French statutes. Luxembourg's statutes make ample use of *devoir* with respect to French, German, and Luxembourgish, the three official languages of Luxembourg. For example, the 1992 Regulation on the safety of toys states that product warnings 'must' be given in one of the three official languages ('*Ces avertissements ou indications […] doivent, au stade de la mise sur le marché, être rédigés dans une des trois langues nationales reconnues au Grand-Duché de Luxembourg'*).[49] The use of *devoir* for languages other than these is rare.[50] The only statute that uses *devoir* in relation to Portuguese is the 1999 Regulation on training courses for procuring driving licenses:[51]

> *L'exploitant du centre **doit** garantir que des cours de formation soient régulièrement offerts en Allemand, en Anglais, en Français, en Luxembourgeois et en Portugais*.
> [The operator of the centre **must** ensure that the training courses are regularly offered in German, English, French, Luxemburgish and Portuguese.] (my emphasis and translation)

While driving lessons 'must' be offered in Portuguese, the civics courses for citizenship tests 'may' be offered in Portuguese and other languages:

> *L'objectif des cours d'instruction civique est de donner aux participants la possibilité d'acquérir des connaissances sur l'organisation, l'historique et le fonctionnement des institutions politiques et civiles au Luxembourg […] Il **peut** être tenu en luxembourgeois, en français, en allemand, en portugais ou en anglais*.
> [The aim of civics courses is to offer participants the opportunity to acquire knowledge about the organisation, history, and functioning of political and civil institutions in Luxembourg […] It **may** be held in Luxembourgish, French, German, Portuguese or English] (my emphasis and translation)

Other statutes that refer to minority languages use *pouvoir* ('may'). For example, the 2008 law which led to the creation of *Eis Schoul*, a school based on the principle of

[48] *Règlement grand-ducal du 12 mai 2010 fixant les modalités du contrôle de la connaissance des trois langues administratives pour le recrutement des fonctionnaires et employés des administrations de l'Etat et des établissements publics*.
[49] See Article 9 of *Règlement grand-ducal du 3 février 1992 relatif à la sécurité des jouets*.
[50] The 1977 Regulation on maternity book mentions Portuguese, but it does not any modal verb. It uses the Present Indicative form to state that the book includes tips in Portuguese ('*Il comporte en chacune des langues française, allemande, […] anglaise, italienne, espagnole et portugaise*'). See §3.3.6.
[51] See Article 23 of *Règlement grand-ducal du 8 mai 1999 relatif aux matières de la formation complémentaire de l'instruction préparatoire au permis de conduire ainsi qu'aux critères d'agrément pour dispenser cette formation.*

inclusive education, decrees that the school 'may' utilise the first languages of schoolchildren for teaching purposes:[52]

> *Dans le cadre de l'enseignement et plus particulièrement de l'alphabétisation, l'Ecole* ***peut*** *[…] utiliser […] les langues maternelles des enfants.*
> [In the context of education, particularly in literacy, the school **may** […] utilize […] the first languages of children] (my emphasis and translation)

The contrastive use of 'may' and 'must' in these cases shows the different priorities of the policymakers. The only statute that makes the use of Portuguese compulsory concerns driving courses. Such a provision may be related to the socio-economic divide in Luxembourg because, as discussed in §3.3.1, immigrants tend to occupy lower-end jobs, while access to high-ranking positions is constrained by criteria that require knowledge of three official languages. Naturalisation tests and school lessons 'may' be conducted in Portuguese or other minority languages which shows that there is not much emphasis on their use in domains such as administration or education.

In certain statutes, the deontic meaning of 'must' is subverted by clauses such as 'as far as possible' (*dans la mesure du possible*) even if 'must' is used for Luxembourg's official languages. For example, Article 4 of the 1984 Language Law stipulates that applicants can contact the administration in any official languages, and the officials 'must' respond in the same language 'as far as possible':

> *Lorsqu'une requête est rédigée en luxembourgeois, en français ou en allemand, l'administration* ***doit*** *se servir,* ***dans la mesure du possible****, pour sa réponse de la langue choisie par le requérant*.
> [Where an application is written in Luxembourgish, French, or German, the administration **must** use, **as far as possible**, for its answer the language chosen by the applicant] (my emphasis and translation)

The 'dans la mesure du possible' clause is problematic because it does not clarify the extent to which a certain official is obliged to respond in the same language. Fröhlich/Hoffmann (1997: 1166) argue that this clause was drafted because of the practical limitations of the language, as Luxembourgish did not have an administrative terminology at the time of enactment of the 1984 Language Law. However, from a critical perspective, it nullifies the deonticity of 'must' by including a condition which allows officials the alternative not to respond in a certain language.

[52] See Article 5 of *Loi modifiée du 13 mai 2008 portant création d'une Ecole préscolaire et primaire de recherche fondée sur la pédagogie inclusive.*

3.5 Conclusion

There are two main findings from this chapter. First, it demonstrates that the policy of homogenisation is reflected at the textual level. Existing research points towards the historical and socio-political factors of linguistic nationalism in Luxembourg, but – barring Fehlen (2014) – hardly any work has taken note of historical changes in policy statutes. This chapter points out these historical changes by focusing on the different categories employed by Luxembourg's legislation to differentiate between languages. French and German used to be described as 'national languages' in the nineteenth-century statutes, but since the enactment of the 1984 language law, their status has mainly been reduced to 'administrative languages' (*langue administrative*). The most striking finding is that French and German are referred to as *langues étrangères* (foreign languages) in statutes related to selection of officials for parliamentary administration. Conversely, Luxembourg is increasingly described as the *langue nationale* (national language) in legal discourse. Finally, the only statute which states that Portuguese 'must' be used in a certain context concerns driving lessons: this statute can be read as a symbol of the socioeconomic divide produced and reproduced by the legal discourse.

The second major finding of this chapter is that it shows that even if Luxembourg's language policies strongly favour Luxembourgish and carry, at times, undercurrents of homogenisation, this ideology is not absolute and is abandoned in certain domains. An examination of Luxembourg's statutes offers evidence that they make room for minority languages in healthcare and social welfare which proves that the socio-political structures in Luxembourg are not absolutely deterministic. Luxembourg's language policies are domain-specific. The promotion of Luxembourgish has not been able to undermine the influence of French and German in certain domains. French dominates in the legal sphere and in the workplace, while Luxembourgish has a strong presence in administration and audio-visual media. German is dominant in the print media, but it must be reiterated that German's dominance is not a result of official policy.

Overall, Luxembourg's problematic relationship with the 'foreign' is the key historical factor in the development of its language policies. This problematic relationship is also the main reason behind linguistic nationalism. It should be noted that linguistic nationalism in Luxembourg is not a temporal constant because there was a disconnect between policies and its recipients in the immediate post-war period, and the efforts to promote Luxembourgish could not find wider acceptance from the public. Linguistic

nationalism became prominent in the 1970s because of steady immigration. Despite the disconnect between policymaking and its recipients, the policies in Luxembourg can be seen as a 'process' in the wake of the activities of grassroots-level organisations such as Actioun Lëtzebuergesch which influenced policymaking. The activities of grassroots-level organisations became successful due to changing patterns of immigration in Luxembourg in the 1970s.

The point that is seldom discussed in the existing research literature is that the policies are devised in a way that brings the rights of different communities into conflict. The Luxembourgish-speaking community has the right to protect and promote its language. However, such protection and promotion has impacted the interests of other linguistic communities. The trilingual policy in education becomes a barrier for a large number of students, especially those who do not speak any of the official languages at home.[53] Luxembourg's implementation of MT+2 is not aligned with the needs of its schoolchildren, as for many of them, MT+2 means learning three foreign languages instead of two, and the policy for them is rather '3-MT'. This has led to Luxembourgish students performing below average in international assessments. While certain officials have come to realise the drawbacks of Luxembourg's policy, domestic discourses see immigration as the main cause of below-average PISA scores of Luxembourg's students even if Luxembourgish-speaking students from lower socioeconomic backgrounds also tend to perform badly because of the French language barrier. While the politicians believe that a two-tier system of education may lead to divisions within society, they ignore the fact that the academic and technical tracks of schooling already create a socioeconomic divide.

[53] The irony is that Luxembourg's policy is in alignment with EU policy if one takes into account that the ECRML, ratified by Luxembourg in 2005, marginalises the languages of migrants from its scope by stating that 'it does not include either dialects of the official language(s) of the State or the languages of migrants' (COE 1992). See also *Loi du 8 avril 2005 portant approbation de la Charte européenne des langues régionales ou minoritaires, faite à Strasbourg, le 5 novembre 1992.*

Chapter 4
Language Policies in Wales
4.1 Introduction
4.1.1 Language policies of the UK

In this chapter, I examine the role of power and ideology in the language policies of Wales. As the history of policymaking in Wales is strongly intertwined with UK policies, it is important to contextualise the discussion by presenting an outline of the pre- and post-devolution UK policies. I want to start the discussion by dispelling the misconception that the UK has no language policy (Taylor 2013: 3). Such misconceptions emerge because the existing research has not taken note of the mechanisms that covertly constitute language policy in the UK. In §1.2.5, I have called such policies 'less discussed policies'. In the UK context, the 'less discussed policies' include statutes that do not explicitly name 'language' in their titles. The only statute that mentions 'language' in its title is the *Administration of Justice (Language) Act (Ireland) 1737* which decrees that all proceedings in courts of justice 'shall be in the English tongue and language, and not in Latin or French, or any other tongue or language whatsoever'. This Act is still in effect in Northern Ireland, and the demands for overturning the centuries-old ban on the use of the Irish language in the court have been met with the argument that 'such a move would waste money and create confusion in legal proceedings' (Preston 2016).

The language policy of the UK is, however, not limited to the 1737 Act named above, and can be identified by undertaking a domain-oriented investigation that focuses on statutes pertaining to different policy domains. First, in the administrative domain, the status of English as the main language is established ex-negativo, as the British law contains a number of statutes which necessitate an authenticated English translation if the language used in a certain matter is not English (see, for example, *Marriage (Scotland) Act 1977*, Art. 3.3). Second, the statutes related to the media define 'British-ness'. A telling example of such a statute is the *Films (Definition of "British Film") Order 2006*. The purpose of the 2006 Order is to determine whether a film may be certified as 'British'. Certification as a British programme is a condition of eligibility for tax relief under the *Corporation Tax (Taxation of Films) (Transition Provisions) Regulations 2007*, and *Corporation Tax Act 2009*. Whether a film is 'British' is determined on the basis of the setting, content, and language of the film. The languages

on the basis of which a film qualifies as 'British' are British Sign Language, Cornish, English, Gaelic, Irish, Scots, Ulster Scots, and Welsh.

The 'British-ness' clause has been nullified by the *Films (Definition of "British Film") Order 2015* which replaces the 2006 Order. According to the 2015 Order, a film can classify as 'British' if it is made in 'a language recognised for official purposes in the United Kingdom or another EEA state'. The change is difficult to interpret because the 2015 Order extends 'British' identity to any language officially recognised in the UK or EEA states. While the media-related statutes lack clarity in their definition of 'British-ness', the statutes focusing on citizenship and naturalisation have remained largely unchanged on this matter. The relationship between language and citizenship was established in UK law for the first time through the *Immigration Act 1971*, according to which 'the Secretary of State may cause to be registered as a citizen of the United Kingdom and Colonies any person of full age and capacity who satisfies the Secretary of State that […] he has sufficient knowledge of the English or Welsh language' (Schedule I). The set of languages required to be naturalised as a British subject was extended in 1981 to include Gaelic through the *British Nationality Act 1981* (Schedule I). Couper (1989: 96) argues that the 1981 Act was meant to define who 'belonged' to Britain and who did not, and was to a great extent related to immigration from the Commonwealth. In this sense, the 1981 Act can be compared to Luxembourg's 1984 Language Law (cf. §3.1), as these policies emerged in the wake of immigration, and aimed to define national identity through language.

The historical-structural factor that is crucial for understanding policies in Wales is the devolution of power in 1999 when Wales and Scotland were given powers to devise policies in certain policy areas (see §4.1.2). Northern Ireland had already been given the power to devise policies in certain areas through the *Belfast Agreement 1998*. The demands for devolution in the 1970s were a result of the poor performance of the British economy in comparison with most of Europe and the US, and the widening economic gap between England, and Wales and Scotland (McNaughton 2003: 172). The decline in traditional industries (e.g. iron and steel, shipbuilding, coal and engineering), which were heavily concentrated in Wales and Scotland, was underway by the late 1960s and caused significant resentment against the British government (ibid.). The prosperity of the mid-1980s temporarily averted Scottish and Welsh nationalism, but it

re-emerged by the late 1980s, partly because of unpopular measures such as the introduction of the poll tax in Scotland and Wales, and partly because of global changes such as the end of the Cold War which led to an upsurge in 'national(ist) feelings all over the world' (ibid.). Legal empowerment through the enactment of statutes such as the *Welsh Language Act 1993* created a fresh impetus for Welsh nationalism (ibid.), and led to demands for similar statutes in Scotland and Northern Ireland.



Fig 9. Map of the United Kingdom (D-Maps 2018c)

Activism and 'direct action' by grassroots level organisations played an important role in the empowerment of Welsh and Gaelic.[1] The first of these was agitation by the crofters in the 1880s in Scotland because of poor crofting conditions and lack of government support (MacLeod 2010). The aforementioned agitation led to the

[1] I borrow the term 'direct action' from Campbell (1978).

formulation of *Crofters Holdings (Scotland) Act 1886* which decreed that the Crofting Commission would consist of at least one Gaelic-speaking member (Art. 17). In Wales, direct action measures included the defacing of English-only road signs, the refusal to pay for 'unilingual English road fund license disc', occupation of TV studios, and the refusal to pay TV licenses unless forms were provided in Welsh (Williams 1976: 451). While Welsh and Gaelic were gradually given some place in UK law, similar concessions were not made for Irish, which can be attributed to the complicated history of Northern Ireland (NI). Mac-Giolla Chríost (2002: 425) notes that, from the 1920s until the early 1970s, the pro-British and largely Protestant Unionist Party exercised 'virtually unchallenged political hegemony' in Northern Ireland (NI). The Unionist regime failed to respond to an 'increasingly vociferous campaign' by mostly Catholic Irish Nationalists for equality of access to the full range of resources of the state, and the issue of language was taken seriously only after the *Belfast Agreement* 1998 which emerged as a result of the peace process in NI (ibid.).

In view of the statutes and the historical and political events discussed above, I argue that the UK does have a language policy. However, this policy is marked by the tension between the monolingual ideology of Westminster policymakers, and the resistance offered by Britain's autochthonous language communities. Ayres-Bennett (2018: 232) notes that 'as speakers of a global language, the British have been complacent about the value of languages, and languages have not featured highly enough on political agenda'. Such complacency is evident in the *Education (Amendment of the Curriculum Requirements for Fourth Key Stage) (England) Order 2003* which made the learning of modern foreign languages (MFLs) non-compulsory at Key Stage 4 (KS4).[2] The 2003 Order has led to a significant decline in the number of students taking MFLs at KS4. Since the enactment of the 2003 Order, the A-level entries of 16-18 year olds in French have declined from 12904 in 2003 to 8991 in 2015 (Long/Bolton 2016: 24). During the same period, the A-level entries for German have declined from 6068 to 3664 (ibid.).

A second example of the monolingual ideology driving UK policies concerns funding for minority languages. While the EU has relied on the covert mechanism of offering

[2] The national curriculum, which is a set of subjects and standards used by primary and secondary schools, is organised into blocks of years called 'key stages' (KS). Key Stage (KS1) concerns the first two years of schooling and is for children aged 5-7. Key Stage (KS2) concerns Years 3-6 and is for children aged 7-11. Key Stage (KS3) concerns Years 7-9 and is for students aged 11-14. Key Stage 4 (KS4) concerns Years 10-11 and is for students aged 14-16 (cf. UK Government s.a.).

funding for promoting its ideology of multilingualism, Westminster policies have done the exact opposite by cutting funding for languages in non-devolved policy matters. For example, broadcasting is not a devolved matter in the UK, and while UK law has made room for broadcasting in autochthonous minority languages such as Gaelic or Welsh through different statutes, the central government has made huge cuts in the recent years in the budget directed towards Welsh- and Gaelic-media.[3] The Department of Culture, Media, and Sports (DCMS) allocated £101m to the Welsh channel S4C in 2010, but reduced it to £6m by 2013 (cf. §4.3.5). Similarly, in 2015 the DCMS withdrew its funding of £1m directed towards Gaelic media (Gray 2015; Goodwin 2016). Finally, the transparency of information has also been missing because the Chancellor George Osborne did not announce to Parliament his intention to withdraw its entire funding to Gaelic broadcasting (The Herald 2015), and the notification for the withdrawal of funding is not available on the official webpage of the UK government.

In light of the tension described above, I examine in the following sections the pre- and post-devolution language policies in Wales, and question whether the monolingual ideology of the central government has been consistent in different domains. The chapters on Luxembourg and the EU show that the dominant language ideologies are abandoned in domains such as healthcare and social welfare. I examine in this chapter if the dominant language ideology is also abandoned in Wales' policies. Finally, I investigate the historical-structural factors that shape the language policies in Wales. The focus will also be on the reasons behind the historically stronger position of Welsh as compared to the other autochthonous languages of the UK. While the Welsh Language was given legal safeguards even before devolution through the *Welsh Language Act 1967* and *Welsh Language Act 1993*, a separate act for Gaelic was introduced only in 2005 (*Gaelic Language (Scotland) Act 2005*), and there is no statute dedicated specially towards the promotion of Irish in the UK. In view of the important role played by devolution in the growth of Welsh, the following section elucidates the purpose and effect of devolution in Wales.

[3] See *Broadcasting Act 1981*, *Broadcasting Act 1990*, and *Communications Act 2003*.

4.1.2 Devolution

The 1997 devolution referendum paved the way for 'true self-government' in Wales as certain functions of the UK Government were transferred to the National Assembly for Wales (Law Wales 2016). Devolution in Wales was introduced by the *Government of Wales Act 1998*, Article 1 of which provided for the creation of a 'National Assembly for Wales'. Article 21 of the same decrees that 'the Assembly shall have the functions which are transferred to […] the Assembly by virtue of this Act'. These 'functions' can also be described as 'policy areas'. Schedule II of the 1998 Act listed the following functions: (1) agriculture, forestry, fisheries and food, (2) ancient monuments and historic buildings, (3) culture (including museums, galleries and libraries), (4) economic development, (5) education and training, (6) environment, (7) health and health services, (8) highways, (9) housing, (10) industry, (11) local government, (12) social services, (13) sport and recreation, (14) tourism, (15) town and country planning, (16) transport, (17) water and flood defence, and (18) the Welsh language.

It should be noted that the 1998 Act did not give the National Assembly the power to make primary legislation (Law Wales 2016).[4] The Assembly Members could only make 'secondary legislation' using the powers that had been transferred (ibid.). The *Government of Wales Act 2006* gave the National Assembly power to pass its own primary legislation (ibid.), and added three more 'functions' on which the Welsh government could devise policies: fire and rescue services, public administration, and matters of the National Assembly for Wales. Furthermore, the *Wales Act 2014* added 'taxation' to the list of policy areas on which the Welsh government could devise policies. The above-mentioned Acts underpinning devolution inform us that since 2006, the Welsh Government is the main authority in all the policy domains (except media) being examined in this thesis.[5] Therefore, in order to understand the role of power in language policies in Wales, I shall examine how policies in different domains (except media) have changed since 2006.

[4] 'Secondary legislation' refers to statutes made on the basis of 'primary legislation'. Examples of 'secondary legislation' include orders, regulations, etc., while 'primary legislation' consists of Acts and Treaties.

[5] The Welsh Government can also legislate in the domain of 'law', but such legislation is applicable only to Wales.

4.2 Historical-structural factors

Welsh is a member of the Brythonic branch of the Celtic language family, and is closely related to Cornish and Breton (Vacca 2013: 56). It has more than half a million speakers in Wales (Table 9). Welsh is descended from Early Welsh, which emerged as a 'distinct tongue' as early as the sixth century AD (Jones 2014: 5). Moreover, its literary tradition also extends to this time when it was the language not only of Wales, but also of large parts of Southern Scotland and Northern England (ibid.). Since the eleventh century, it has been largely confined to the area that corresponds to that of present-day Wales (ibid.). Up to the sixteenth century, Welsh was the only language of most people in Wales (ibid.). However, official policy turned against Welsh when Thomas Cromwell, chief minister to Henry VIII of England from 1532 to 1540, brought into effect the *Act of February 1536* (not to be confused with the *Act of Union 1536*) with the purpose of creating a uniform administration (Davies 1994: 235). The *Act of February 1536* made English the only language of the courts of Wales, and decreed that those using Welsh would not receive public office in the territories of the king (ibid.). In short, the legal status of the Welsh language in Wales had been relegated to that of a 'foreign language' (Davies 2000: 217).

The intertwining of language and religion was a key historical factor in the survival of Welsh. Despite the changes brought about by the *Act of February 1536*, the majority of the population of Wales continued to speak Welsh until late in the nineteenth century (Jones 2014: 5). Davies (1994: 235) notes that the government was prepared to promote Welsh in worship, showing more sympathy towards Welsh than it did towards Irish in Ireland or French in Calais and much more than the government of Scotland showed towards Gaelic of the Highlands. Initially, the state replaced the Latin liturgy with English Bibles and prayer books in order to prevent Welsh from becoming the language of Protestantism (Jenkins 2007: 153). However, support from the local Protestant clergymen led to enactment of the *Act of 1563* which ordered the translation of the Scriptures into Welsh, and made sure that Welsh would be incorporated into the religious domain (ibid.).

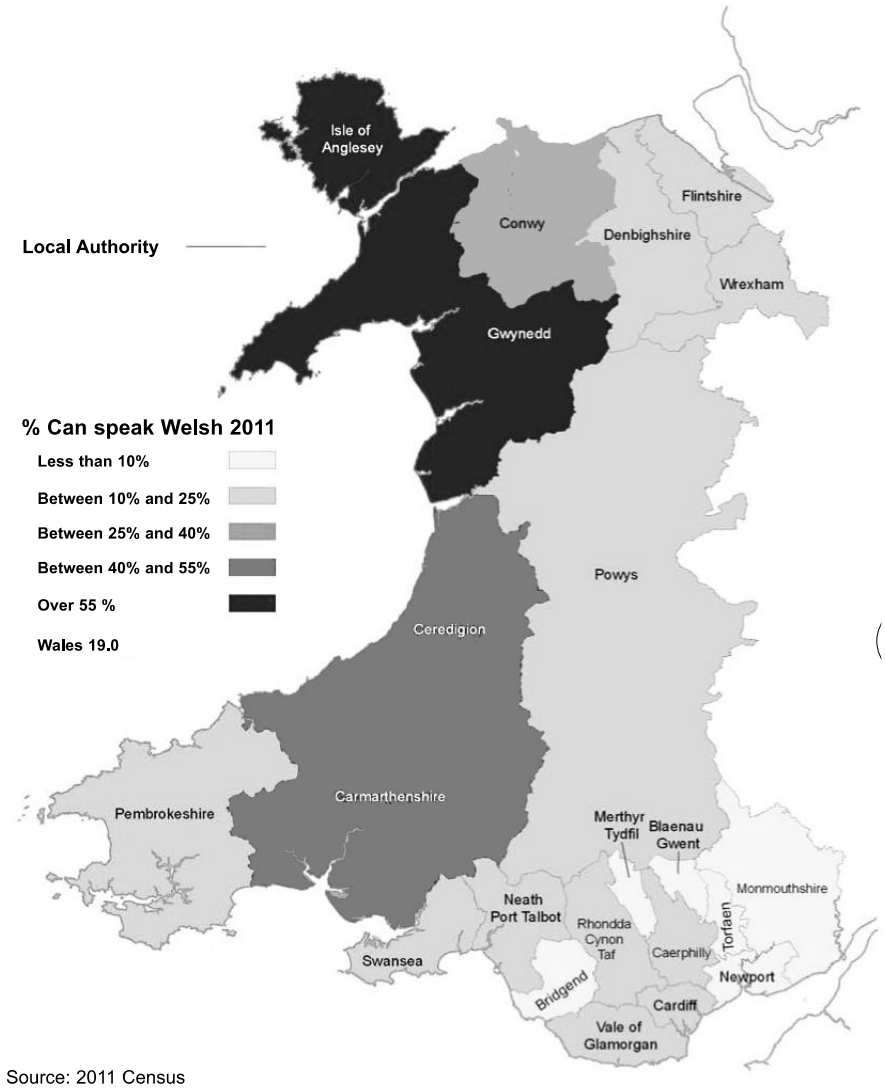


Fig. 10. Percentage of Welsh speakers according to council area (Jones 2014:7)

The invention of the printing press ensured that the Welsh language would not become extinct. The Welsh translation of the Bible, which was published in 1588, made Welsh the only unofficial language of Protestant Europe to become the medium of a published Bible at the time (Davies 1994: 245). The other main (yet unofficial) languages of Britain, Irish and Gaelic, did not have a Bible until 1690 and 1801 respectively (ibid.). Apart from the Bible, between 1546 and 1660, 108 books were published in Welsh, which is far fewer than the number of publications in English or French in this period, but a significant number when compared to Irish and Gaelic in which the number of publications was eleven and four respectively (ibid.). The nineteenth century saw a proliferation of published material in Welsh, ranging from books to periodicals and

weekly newspapers: it is estimated that 32 periodicals and 25 newspapers were published in Welsh in 1896 (Jones/Williams 2010: 656).

Jones/Williams (ibid.) note that the Methodist revival in the eighteenth century brought forth a literacy drive. Griffith Jones' circulating schools taught Welsh peasants the basics of reading so that they could read the Bible in their own homes (ibid.). By 1761, the year of Griffith Jones' death, approximately 3,495 schools had been held, and 158,000 people had been educated in reading skills in Welsh (ibid.). The religious observances and practices contributed to a strong linguistic education because ordinary people became acquainted not only with the religious terminology, but also with public and formal modes of address (ibid.). Through the mid-week meetings and Sunday schools, Welsh speakers were given an opportunity to communicate orally in a less formal situation while at the same time being educated in the written language through reading and writing activities (ibid.).

The decline of Welsh started from the late nineteenth century because of a general secularisation of society, as fewer people attended churches where the traditional Welsh-language activities were centred (Jones 2014: 6). Moreover, growing urbanisation led to migration of workers from rural to urban areas. The increased availability and popularity of English-language news and entertainment media also played a role in the decline of Welsh during this period. The statistical survey conducted by E.G. Ravenstein in 1871 estimated the total number of Welsh-speakers (Welsh monolinguals and Welsh-English bilinguals) speakers in Wales to be around 934,530 which constituted about 71.2% of a total population of 1,312,583 (Ravenstein 1879: 620). Within a span of 20 years, the proportion of Welsh-speakers (Welsh monolinguals and Welsh-English bilinguals) dropped to 910,289 which was 54.5% of the total population of 1,669,705 (Southall 1895: 36). The population trend reversed in 1911; the population of Welsh speakers grew to 977,000 but their overall proportion reduced to 43.5%: the reason for such a decrease could be immigration from England as a result of industrialisation (Jenkins/Williams 2000: 3). The 1911 census figures can be seen as an exception because the decline in the Welsh-speaking population was steady afterwards (Davies 1994: 644).

	Number of Welsh speakers	Percentage of total population
1871	934,530	71.2%
1891	910,829	54.5%
1901	929,824	49.9%
1911	977,366	43.5%
1931	909,261	36.8%
1951	714,686	28.9%
1961	656,002	26%
1971	542,425	20.9%
1981	508,207	18.9%
1991	508,098	18.7%
2001	582,200	20.8%
2011	562,216	19%

Table 9. Chronological data on the population of Welsh speakers in Wales (Ravenstein 1879; Jenkins/Williams 2000, Jones/Williams 2010, Jones 2014)

While the number of bilingual speakers grew from 1891 to 1911, the number of monolingual speakers of Welsh declined from 508,036 in 1891 to 208,905 in 1901, and dropped further to 190,292 in 1911 (Davies 2014). At the same time, there was a surge in the number of English-speakers in Wales: the percentage of the population claiming to speak English only rose from 41% in 1891 to 74% in 1961 (Lewis 1978: 281). According to the 2011 Census, Wales has a population of about 2,955,841, out of which 562,016 speak Welsh (Welsh Government 2012a). These numbers indicate a marginal loss in the number of speakers as compared to the 2001 census, according to which there were 582,000 speakers (Welsh Government 2012b). An important change in the 2011 census is the decline of Welsh in the (traditionally) more Welsh-speaking areas of Wales, as the percentage of Welsh speakers living in Ceredigion and Carmarthenshire fell below 50% for the first time (Table 10, Fig. 10).

	Able to speak Welsh	Not able to speak Welsh	**Percentage able to speak Welsh**	Total number of speakers
Wales	562,016	2,393,825	19.0	2,955,841
Blaenau Gwent	5,284	62,064	7.8	67,348
Merthyr Tydfil	5,028	51,595	8.9	56,623
Newport	13,002	126,847	9.3	139,849
Bridgend	13,103	121,442	9.7	134,545
Torfaen	8,641	79,203	9.8	87,844
Monmouthshire	8,780	79,829	9.9	88,609
Vale of Glamorgan	13,189	108,829	10.8	122,018

Cardiff	36,735	295,538	11.1	332,273
Caerphilly	19,251	152,721	11.2	171,972
Swansea	26,332	204,823	11.4	231,155
Rhonda, Cynon, Taff	27,779	197,776	12.3	225,555
Wrexham	16,659	112,766	12.9	129,425
Flintshire	19,343	127,597	13.2	146,940
Neath Port Talbot	20,698	114,580	15.3	135,278
Powys	23,990	105,093	18.6	129,083
Pembrokeshire	22,786	95,606	19.2	118,392
Denbigshire	22,236	68,291	24.6	90,527
Conwy	30,600	81,124	27.4	111,724
Carmarthenshire	78,048	99,594	43.9	177,642
Ceredigion	34,964	38,883	47.3	73,847
Isle of Anglesey	38,568	28,835	57.2	67,403
Gwynedd	77,000	40,789	65.4	117,789

Table 10: Welsh speakers (aged 3 and above) by local council area (2011 census) (Welsh Government 2012a)

Currently, the Welsh language enjoys legal protection through a number of statutes such as the *Welsh Language Act 1993* and the *Government of Wales Act 2006*. However, such legal safeguards were introduced only because of active and sustained campaigns by Welsh-speakers in the twentieth century. Welsh continued to be deprived of any official recognition until the 1960s (Jones 2014: 8), and major changes came only through the *Welsh Language Act 1967*, and *Welsh Language Act 1993*. Compared to Cornish, Irish, Gaelic, Scots, or Ulster Scots, the position of Welsh (in Wales) was stronger even before devolution, and the post-devolutionary era has witnessed a greater than ever focus on the promotion of Welsh.

4.3 Policies

4.3.1 Administration

Activism from grassroots organisations has played a central role in the inclusion of Welsh in the administrative domain. The *Welsh Language Act 1967* made certain concessions such as provisions for Welsh versions of statutory forms (Art. 2), and permission for the use of Welsh in legal proceedings (Art. 1), but it did not give Welsh equal validity as compared to English. In 1978, the Council for the Welsh Language criticised the *Welsh Language Act 1967*, and called for a more positive and comprehensive approach to Welsh in 'all walks of life' (Baker 1985: 169). During the 1960s and 1970s, the Welsh Language Society (Cymdeithas yr Iaith Gymraeg or 'CIG') campaigned – in the words of Jones/Williams (2010: 695) – 'vociferously' on the issue of bilingual signs on streets and highways. The CIG argued that the lack of bilingual signs resulted in a number of road accidents (ibid.). Moreover, the anglicised spelling of

Welsh place names was seen as a symbol of the 'inferior status' of Welsh (ibid.). The campaign led by the CIG resulted in the enactment of the *Traffic Signs (Welsh and English Language Provisions) Regulations and General Directions 1985* which makes provisions for bilingual signs stating that 'either the Welsh or the English text shall be placed above the other'.

In 1993, the Welsh language was accorded greater importance through the enactment of the *Welsh Language Act 1993*. The purpose of this Act was to give effect to the principle that 'in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality'.[6] The 1993 Act established the Welsh Language Board (Bwrdd yr Iaith Gymraeg or 'BIG') as a statutory body which could issue guidelines to public bodies regarding the form and content of their Welsh Language Schemes (Art. 9).[7] Welsh Language Schemes referred to the plans that would be made by public bodies outlining their proposed use of Welsh. However, public bodies were not entirely obliged to devise language schemes because of vague clauses such as 'public bodies need only implement the principle so far as is both appropriate in the circumstances and reasonably practicable' (Art. 5; Williams 2015: 185).

The empowerment of Welsh in Wales has continued after the devolution of powers, especially after the Government of Wales Act 2006 came into effect. The 2006 Act gave the Welsh Assembly the power to devise primary legislation on different policy areas. It also served as the basis for the enactment of the *National Assembly for Wales (Official Languages) Act 2012* which declared that 'the official languages of the Assembly are English and Welsh, and […] [they] must be treated on a basis of equality' (Art. 1-1a). The 2012 Act established the right of all persons to use 'either official language when participating in Assembly proceedings' (Art. 1b). Moreover, it also decreed that the report of assembly proceedings 'must contain a record of what was said, in the official language in which it was said, and also a full translation into the other official language' (Art. 1c). Contrary to Welsh, the allochthonous minorities are not represented in the statutes related to administration in Wales. Despite the lack of a legal basis, some

[6] See Preamble, Welsh Language Act 1993.
[7] The *Welsh Language (Wales) Measure 2011* has abolished the BIG and transferred the duties of the Board to the Welsh Language Commissioner (Art. 143). Moreover, the 2011 Measure also make provisions for the substitution of Welsh Language Scheme with Welsh Language Standards (Art. 144).

immigrant communities can obtain basic information in their languages. For example, if one wants to complain about the services offered by public bodies, one can contact the Public Services Ombudsman for Wales (PSOW). The Ombudsman makes the complaint procedure information available in Arabic, Bengali, Cantonese, French, Hindi, Polish, Somali, and Urdu (PSOW 2017).

4.3.2 Legal safeguards for minority languages

Historically speaking, the British statutes that aim 'to reduce socio-economic inequalities' have never prohibited discrimination on the basis of language. Examples of such statutes include the *Race Relations Acts* from various years (1965, 1968, 1976, and 2000), and the *Equality Act 2010*. These statutes speak of 'protected characteristics', on the basis of which 'direct' or 'indirect' discrimination may occur. The list of such 'protected characteristics' includes 'age, disability, gender reassignment, race, religion or belief, sex, sexual orientation', but not 'language' (Art. 4-12, Equality Act 2010). The only British statute that prohibits language-based discrimination is the *Human Rights Act* 1998 (Art. 14), which resulted from the transposition of the European Convention of Human Rights (ECHR) into UK law.[8]

The post-devolution policies in Wales are more inclusive of minority languages than (a) the pre-devolution British statutes applicable to the UK, and (b) the post-devolution British statutes applicable to England. In 2011, Wales incorporated the *United Nations Convention on the Rights of the Child* in its law through the *Rights of Children and Young Persons (Wales) Measure 2011*, Article 1 of which decrees that 'the Welsh Ministers must, when exercising any of their functions, have due regard to the requirements of […] Part I of the Convention'. Art. 2 of Part I of the Convention bans discrimination on the basis of language, and Art. 30 establishes the right of children who are of indigenous origin or belong to linguistic minorities to use their language. The *Children and Families Act 2014*, which is applicable in England, also refers to the aforementioned Convention. However, it does not impose any obligation on the Children's Commissioner to follow the Convention, as it stipulates that the

[8] In 2014, the Conservative Party published a policy document, 'Protecting Human Rights in the UK', which set out its proposal to repeal the *Human Rights Act 1998* and replace it with a new 'British Bill of Rights and Responsibilities' (House of Lords 2016: 1). However, in its 2017 Manifesto, the Conservative Party stated that it 'will not repeal or replace the Human Rights Act while the process of Brexit is underway', but 'will consider [the UK's] human rights legal framework when the process of leaving the EU concludes' (Conservative and Unionist Party 2017).

Commissioner 'may […] monitor the implementation in England of the United Nations Convention on the Rights of the Child' (Art. 107).

4.3.3 Law

The first important piece of legislation that incorporated Welsh into the legal context was the *Welsh Court Act 1942*, which was brought about as a result of a petition that was launched at the 1938 National Eisteddfod demanding equal status for the Welsh language (Jenkins/Williams 2000: 12). In the event, over 360,000 signatures came to hand in support of the repeal of the so-called 'language clause' of the Act of Union of 1536 (ibid.). The *Welsh Courts Act 1942* allowed the use of Welsh under the condition that it can only be used by 'any party or witness who considers that he would otherwise be at any disadvantage by reason of his natural language of communication being Welsh' (Art. 1). This clause was clearly highly restrictive in nature. Moreover, whatever strength is given to Welsh through this clause is subverted by Article 3 of the Act which stipulates that all the records 'shall continue to be kept' in English. Such a policy raises the question whether the sole purpose of the 1942 Act was to contain the growing dissent among Welsh-speaking public. Apart from the 1942 Act, there were barely any statutes in favour of Welsh until the late 1960s.

The provisions for the use of Welsh in courts became more favourable after the *Welsh Language Act 1967* which was not as constraining as the 1942 Act. While the 1942 Act did not allow the use of Welsh unless absolutely necessary, the 1967 Act allowed Welsh to be used 'by any party, witness or other person who desires to use it' (Art 1.1). In this sense, the 1967 Act assumed a more democratic character by following the desirability principle.[9] Moreover, it also gave the 'appropriate ministers' the power to prescribe Welsh-language versions of statutory forms. This gradual democratisation needs to be analysed in the context of the role played by the pressure groups working at grassroots level. While the 1942 Act was a result of the petition launched at the 1938 National Eisteddfod, the 1967 Act came into existence largely because of the work done by civil society and organisations such as the CIG (Davies 1994: 645). On 13 February 1962, Saunders Lewis, an eminent Welsh poet, gave a lecture called 'Tynged yr Iaith' (Fate of the Language) on BBC radio, in which he called not only for civil disobedience, but also for active protests (Lewis 1962). Within a year of Lewis' lecture, the CIG

[9] In certain cases, statutes on language use state that 'any person who desires to use' a certain language may use it. I use the term 'desirability principle' to refer to such clauses.

organised its first protest which took place in Aberystwyth on 2 February 1963. Davies (1994: 645) calls the campaigns of the CIG in the 1960s 'the Welsh version of the unrest prevalent in those years among young people throughout the western world'. Factors such as the opening of Welsh bookshops, publishing houses, establishment of journals, and the emergence of a Welsh pop scene contributed to growing Welsh consciousness, and were instrumental in the enactment of the 1967 Act (Jenkins 2007; Wallis/Malm 1983).

Although the 1967 Act introduced some positive changes, it did not address the issue of the official status of Welsh. Moreover, it reinforced the superior status of English in court by stipulating that the English version of any text would prevail in case of discrepancies (Art. 3.2.a). These drawbacks were addressed through the *Welsh Language Act 1993* which established the principle that 'in the conduct of public business and the administration of justice in Wales, the English and Welsh languages should be treated on the basis of equality' (Art. 3.2.b). The situation of Welsh in courts has improved since the enactment of these two acts. Welsh is frequently used in courts and tribunals in Wales, with simultaneous translation into English (Jones 2017: 5). In the first quarter of 2017, there were 395 cases conducted wholly or partly in Welsh (ibid.). There were 53 cases in the Crown Courts, 193 in County Courts, and 149 in the Magistrates' Courts (ibid.). Furthermore, the number of Welsh-speaking judges has risen, with a third of all Circuit Judges, and a third of District Judges being able to conduct cases in Welsh (The Lord Chief Justice's Report 2017: 28).

4.3.4 Education

The *Code of Regulations for Public Elementary Schools in Wales* (1907) was the first policy document to make provisions for the use of Welsh in education. These regulations allowed the teaching of any subject in Welsh (Jones/Williams 2010: 673). However, this policy was hardly put into practice (ibid.). The public and political support for the use of Welsh in education started growing by the late 1930s. According to Lewis (2015: 154), 'since 1939, a series of accelerating and progressive forces and mechanism came into play in support of Welsh-medium education'. These forces included, for example, the support by Richard Austen Butler, the then President of the British Board of Education, who 'championed' the cause of Welsh.[10] In an address to

[10] See Ayres-Bennett (2018) for a discussion of the role of 'champions' in promoting languages.

the Central Welsh Board in Abergele in March 1942, Butler encouraged the local authorities to 'redouble their activities on behalf of the language' (Morgan 2003: 27). Later, upon request of the recently formed National Union of Teachers of Wales (Undeb Cenedlaethol Athrawon Cymru), he contributed to the enactment of Circular 182 on 'The Teaching of Welsh' (ibid.). Circular 182 made it compulsory for the Local Education Authorities (LEAs) to draft plans to promote Welsh language teaching in schools, and can be seen as a precursor to the *Education Act 1944*, Article 76 of which stipulated that 'the Minister and local education authorities shall have regard to the general principle that […] pupils are to be educated in accordance with the wishes of their parents'. The role of parents in promoting the teaching of Welsh was also crucial: Jones (2014: 11) notes that in certain Welsh-speaking areas it was the strong pressure from parents that drove policymakers to include Welsh in schools.

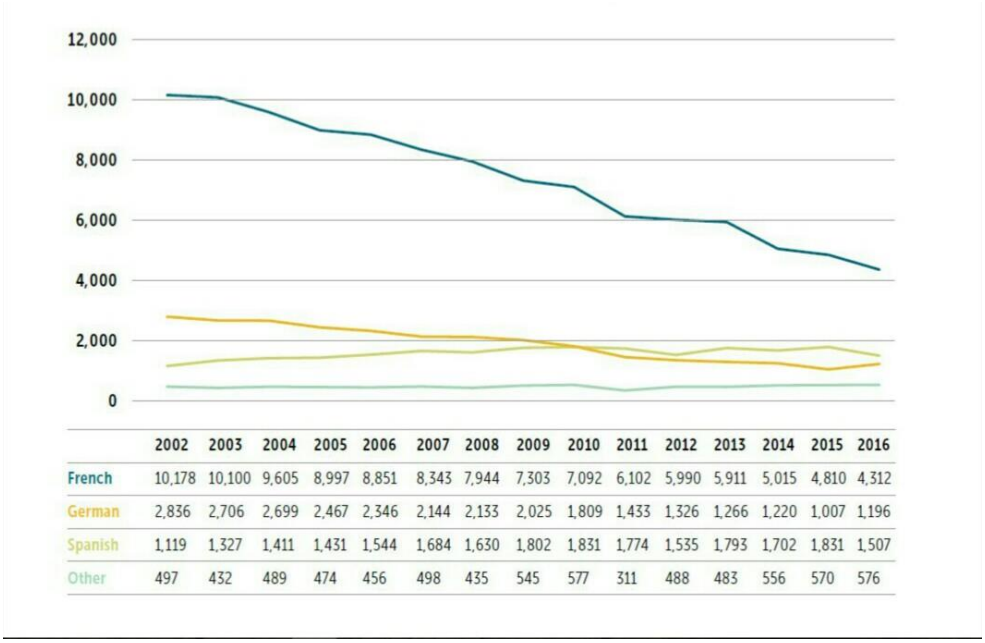
Despite these early signs of support, full recognition for Welsh came much later. It was only in 1988 that Welsh gained the status of a core subject of the National Curriculum in Wales in Welsh-speaking schools, and a foundation subject in the rest of the schools (Jones 2014: 11).[11] In the same year, provisions were made for the training of teachers through the *Education (Welsh Medium Teacher Training Incentive Supplement) Regulations 1988* which empowered the Secretary of State to pay training supplements to people undergoing training as teachers to facilitate and encourage their training to teach subjects in Welsh as well as in English.[12] In 1990, Welsh became a compulsory subject for all pupils in Wales at all four key stages.[13] Since the devolution of powers, the position of Welsh in education has become stronger in Wales. In 2010, the Welsh Government launched its 'Welsh-medium Education Strategy' with the aim to 'make it possible for more learners of all ages to acquire a wider range of language skills in Welsh' (Welsh Government 2010). Moreover, the *School Standards and Organisation (Wales) Act 2013* gave Welsh Ministers the power to 'require a local authority […] to carry out an assessment of the demand among parents in its area for Welsh medium education for their children' (Art. 86.1). These policies have led to the strengthening of

[11] *Education Reform Act 1988*.

[12] The 1988 Regulations were replaced by the *Education (Welsh Medium Teacher Training Incentive Supplement) Regulations 1990*: the main difference between these two statutes is that the former concerned teachers in secondary schools, while the latter concerned all schools.

[13] This provision was made by the *Education (National Curriculum) (Attainment Targets and Programmes of Study in Welsh) Order 1990*. The 1990 Order excluded ten schools from offering Welsh as a compulsory subject at KS4. The *Education (National Curriculum) (Attainment Targets and Programmes of Study in Welsh) (Amendment) Order 1998* made it compulsory for these ten schools to offer Welsh as a subject as KS4.

Welsh in Wales. The first publicly funded Welsh-medium school was opened in 1947, and in six decades this number had grown to 403 (Jones 2014: 28). Moreover, the number of pupils in Welsh-medium or bilingual education continues to grow (ibid.). In 2013 the number of 7-year-olds assessed in Welsh language (not Welsh as a second language) reached its highest level at 7,468 (ibid.). In 2017, the Welsh government launched the *Cymraeg 2050* Strategy which aims to achieve the target of a million Welsh speakers by 2050 (Welsh Government 2017).



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
French	10,178	10,100	9,605	8,997	8,851	8,343	7,944	7,303	7,092	6,102	5,990	5,911	5,015	4,810	4,312
German	2,836	2,706	2,699	2,467	2,346	2,144	2,133	2,025	1,809	1,433	1,326	1,266	1,220	1,007	1,196
Spanish	1,119	1,327	1,411	1,431	1,544	1,684	1,630	1,802	1,831	1,774	1,535	1,793	1,702	1,831	1,507
Other	497	432	489	474	456	498	435	545	577	311	488	483	556	570	576

Fig. 11. GCSE MFL Entries for Wales (2002-16) (source: Tinsley/Board 2017: 28)

Recent policies have also started giving importance to Modern Foreign Languages. In 2015, the Welsh Government introduced the *Global Futures* programme which aims at promoting and raising the profile of modern foreign languages in schools (Welsh Government 2015d). Furthermore, MFLs are among the subjects included in a scheme to attract more graduates into teaching in Wales, with bursaries of up to £15,000 available (Tinsley/Board 2017: 16). These initiatives are yet to show their full impact, as the take up of MFLs at KS4 has continued to fall, in both Years 10 and 11, in the time-period 2015-16 (Tinsley/Board 2017: 7). The only exception amongst MFLs is German, the GCSE entries for which have risen from 1007 to 1196 (Fig. 11). Tinsley/Board (2017: 7) note that the proportion of schools with more than 25% of pupils taking a language in KS4 has declined to the extent that more than a third of schools now have fewer than ten per cent of Year 10 pupils taking the subject. The continuing decline is attributed mainly to the predominance of compulsory subjects and

the introduction of the Welsh Baccalaureate which has reduced the number of free option slots available to pupils (ibid.).

4.3.5 Media

There were a few Welsh programmes on television during the 1960s and 1970s, but such programmes were rarely broadcast during prime-time hours (Jones/Williams 2010: 689). Moreover, the airtime given to programmes in Welsh on radio and TV was disproportionately low compared to those in English. The airtime given to Welsh on radio in 1971/72 was around 2 hours per week, while the total duration of English-language programmes on the radio was 63 hours (ibid.). Similarly, Welsh-language programmes were broadcast on TV for less than 2 hours per week, while programmes in English had a total broadcast time of around 27 hours per week (ibid.). The Crawford Report of 1974 recommended establishing a separate television channel dedicated to Welsh-language broadcasting, however, the UK government tried addressing this issue by proposing an increase in the number of Welsh-language programmes rather than actually establishing a new channel (ibid.).[14]

It was only in the early 1980s that the British government took this issue seriously. One of the main reasons was that Gwynfor Evans, Chairman of Plaid Cymru, threatened to go on a hunger strike (Ager 1996: 50).[15] Gwynfor Evans' threat of a hunger strike was effective, as it paved the way for the enactment of the *Broadcasting Act 1981*, which led to the creation of Sianel Pedwar Cymru (S4C) in 1982 (ibid.). Article 61 of the *Broadcasting Act 1990* required the UK government to provide S4C with funds for carrying out its activities.[16] The *Broadcasting Act 1996* led to the creation of S4C Digidol, the Welsh-language digital TV channel. As the only Welsh language public service TV broadcaster in Britain and the only Welsh language TV channel in the world, S4C is the main Welsh language audiovisual source (CG 2016: 227). In 2015, the number of S4C viewing sessions across all of its online platforms was 5.7 million, which marks a 250% increase from 1.6 million viewing sessions in 2010 (ibid.).

[14] Davies (1994: 680) suggests that the Conservative government chose not to implement the recommendations of the Crawford Report (1974) because the Welsh language movement was becoming violent in the late 1970s.

[15] Evans' move bears resemblance to the hunger strike undertaken by the Telugu language activist Potti Sreeramulu for the creation of a separate state for Telugu speakers in India in 1952. Sreeramulu's death resulted in widespread agitations and led to the creation of Andhra Pradesh in 1956, the first state in India created on the basis of language. Cf. Chapter 5.

[16] Article 61 of the *Broadcasting Act 1990* was substituted by Article 80 of the *Broadcasting Act 1996* and by Article 207.7 of the *Communications Act 2003*.

Funding from the central government has remained a major issue for S4C. In 2010, the then Department of Culture, Media, and Sport (DCMS) granted S4C £101.647m (S4C 2010: 89). However, in the same year, the Secretary of State wrote to S4C confirming a 24.4% cut to S4C's funding over the 4 years of the spending review period (ibid.). Amounts receivable from the DCMS in 2010 totalled £90m (S4C 2011: 83), and £83m in 2012 (S4C 2012: 83). The Government announced in its Spending Review in June 2013 that its financial contribution to S4C for the financial year 2015/16 would be £6.787m, and the rest of the funding would come from the BBC Trust (S4C 2014: 99; BBC 2013). Amounts receivable from the DCMS and the BBC Trust from March 2014 to March 2015 was £82.787m, out of which only £6.787m was paid by the DCMS (S4C 2015: 99). As a result of the drastic funding cuts and fluctuating financing policy, Welsh speakers have been campaigning for the devolution of broadcasting powers. In 2017, around 50 members of CIG refused to pay their TV license fees which is similar to the pressure tactic CIG members used in the 1970s when the Thatcher government refused to create a Welsh-speaking TV channel (Thomas 2017, see also Jones 1979). The policy of withdrawal of funding in matters which still remain in the hands of the central government suggests that Welsh is still not a priority for the UK government.

4.3.6 Healthcare

The dominant monolingual ideology of pre-devolution UK policies was abandoned in healthcare policies through the *Welsh Language Act 1993*. Article 7 of the 1993 Act empowers the Welsh Language Board to give a notice in writing to health authorities to prepare a Welsh Language Scheme. The policies on the use of Welsh in healthcare have improved due the powers given to the Welsh Government by the *Government of Wales Act 1998*. Art. 39 of the *Welsh Language (Wales) Measure 2011* enables Welsh Ministers to specify 'Welsh Language Standards', and Article 39 enables them to provide that a Standard is specifically applicable to a public body. The Minister can authorise the Welsh Language Commissioner to give a 'compliance notice' to that public body requiring compliance with the Standard (Art. 39).

Statutes concerning the use of languages other than Welsh are rare. In 2012, the Welsh Government established a strategic framework called 'More than just words….' to offer Welsh language services in health, social services and social care (Welsh Government 2015a). The purpose of the framework was to make sure that Welsh speakers receive

health, social services and social care services in their first language by 'making the best use of existing skills and resources' (ibid.). It must be noted that this framework is not legally binding, and currently there are no statutes on the use of minority languages (other than Welsh) in healthcare. The rather confusing aspect of the Welsh legislation on language use in healthcare is that there is a statute on languages in private healthcare. The *Independent Health Care (Wales) Regulations 2011* decree that the service providers must make suitable arrangements to ensure that their agency is conducted with due regard to the cultural and linguistic background of patients (Art. 18.1).

4.3.7 Business

Since 1998, the Welsh Government has had the power to devise policies on economic development and industry. Schedules 7 and 8 of the *Welsh Language (Wales) Measure 2011* contain a list of public or private bodies in different fields such as telecommunications or railways which have to offer services in Welsh. Moreover, the Welsh government offers ample support for the use of Welsh in business. It has a business support service called Business Wales which offers a wide range of resources to support business of all sizes to grow (Welsh Government 2015b). Its mentoring service is available in Welsh and it offers some workshops and seminars in Welsh (ibid.). Moreover, there are 10 'Welsh for Business' officers in Wales to help companies free of charge to increase their use of Welsh (Welsh Government 2015c). The office of the Welsh Language Commissioner offers proofreading services specifically for small and medium sized businesses free of charge up to 1000 words (Welsh Government 2015b).

English is still the dominant language in statutes related to business and commerce. For example, Article 6.2 of the *Caseins and Caseinates (Wales) Regulations 2016* decrees that the particulars required for labelling of casein products 'must be easily visible, clearly legible, indelible and given in English, either exclusively or in addition to any other language'. However, recent policy changes indicate that the Welsh government is gradually making room not only for Welsh, but also languages other than Welsh and English in the business domain. For example, *Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007* do not make any statements on the language(s) of product labelling. The *Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) (Amendment) Regulations 2011* amend the 2007 Regulations,

and decree that 'nothing in these Regulations prevents a bottle being marked or labelled with any other language in addition to English' (Art. 2). The *Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015* further amend the 2011 Regulations, and decree that product labels can be 'in any other languages in addition to Welsh and English' (Art. 11.2.e, Art. 11.2.i, and Art. 16.3.e).[17] These changes indicate that language policies of Wales are gradually becoming more inclusive.

4.3.8 Social welfare

The social welfare policy in Wales contains certain provisions on language, especially Welsh. For example, Article 22 of the *Childcare Act 2006* makes it mandatory for Welsh local authorities to secure sufficient childcare for working parents: one of the requirements for securing sufficient childcare is that the local authorities 'must have regard to the needs of parents in their area for the provision of childcare involving the use of the Welsh language'. Moreover, the *Social Services and Well-being (Wales) Act 2014* decrees that 'a person exercising functions under this Act […] must have regard to the characteristics, culture and beliefs of the individual […]'. These characteristics include language, but the Act does not specify if the language concerned is simply Welsh or any language used by the person who needs social care.

4.4 Textual analysis

Although none of the statutes in UK law explicitly declare English as the only official language, it is implicitly designated as such in a number of statutes. Such statutes primarily include those which decree that an English-language translation is required if documents are not written in English. Despite the English-centricism that has underpinned UK policies for the majority of its history, the UK government has tried to come to terms with its linguistic diversity in the last five to six decades. A chronological study of statutes related to civic registration illustrates how the role of power in the formulation of policies has changed over time. The *Registration of Marriages (Welsh Language) Regulations 1971* provide for Welsh as well as English to be used in certain conditions concerning the registration of marriages. Article 6 of the 1971 Regulations decrees that:

[17] Apart from the 2015 Regulations discussed above, currently there are four other statutes that makes provisions for languages other than Welsh and English. These are the *Food Hygiene (Wales) (Amendment) (No. 2) Regulations 2014*, the *Honey (Wales) Regulations 2015*, the *Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016*, and the *Jam and Similar Products (Wales) Regulations 2018*.

> ‘forms […] **shall** be completed in English and **may** be completed in Welsh as well as English if […] the parties to the marriage provide the required particulars in both languages and the officer by whom the notice is attested can understand and write Welsh’ (my emphasis)

The use of different modal verbs for different languages (‘shall’ for English and ‘may’ for Welsh) is interesting because such contrastive usage symbolises the superior status of English. Examples of emphasising the mandatory character of English can be found in a number of statutes such as the *Registration of Births and Deaths (Welsh Language) Regulations 1987*, which decrees that certain forms may be completed in both languages:

> Registration of still-births occurring in Wales
> 5.—(1) Forms 8 and 9 **may** be completed in English only or in both English and Welsh.
> (2) Where a still-birth is registered upon the attendance of a qualified informant and–
> (a) the informant elects for the particulars relating to the still-birth to be entered in Welsh as well as in English; and
> (b) the informant gives the requisite information in Welsh and the officer to whom he gives it can understand and write Welsh,
> the registrar **shall** […] enter the particulars in both English and Welsh (my emphasis)

The 1987 Regulations employ both ‘may’ and ‘shall’. However, in this case the use of these modals is not contrastive, but subject to a variety of permutations and combinations. The use of ‘may’ in Article 5.1 gives the impression that speakers have a choice, but it cannot be deemed a ‘choice’ if the English language features in both options. Moreover, the ‘choice’ to register details in Welsh is contingent upon three conditions: (i) the informant has to be qualified, (ii) the informant has to be willing to register details in both languages, and (iii) the officer can understand and write Welsh. The registrar is obligated to enter details in both languages only if these three conditions are met. In view of these conditions, one might question whether such an obligation can actually be deemed ‘obligation’. It should be added that the Regulations do not clarify the meaning of ‘qualified informant’.

The superiority of English is further established through what we may term the ‘discrepancy clause’. Article 9 of both regulations (*Registration of Marriages (Welsh Language) Regulations 1971* and *Registration of Births and Deaths (Welsh Language) Regulations 1987*) stipulates the following:

> Discrepancies
> 9. In the case of any discrepancy between an English text and a Welsh text permitted by these Regulations, the English text **shall** prevail (my emphasis)

The discrepancy clause was repealed through the *Registration of Births and Deaths (Welsh Language) (Amendment) Regulations 1995*. The abolition of this clause is related to the fact that the *Welsh Language Act 1993* had strengthened the position of the Welsh language. Moreover, as far as the question of choice between English or Welsh is concerned, options were revised in 1999 through the *Registration of Marriages (Welsh Language) Regulations 1999*, which state that the 'forms […] **shall** be completed in English and **shall** also be completed in Welsh' (Art. 7). The use of 'shall' for Welsh indicates that the official standing of Welsh was not as weak as in the 1960s or 1970s. Moreover, the obligation to enter details in both languages is not absolute, as there are two main conditions. First, the person registering the details has to provide details in both languages, and second, the officer has to be able to understand and write Welsh. However, compared to the Regulations from 1971 and 1987, the 1999 Regulations lead to a greater empowerment of Welsh. From a critical viewpoint, the comparison of these Regulations and the gradual transition from 'may' to 'shall' with respect to the use of Welsh in civic registration can be interpreted as a textual reflection of the socio-political changes and the progress in the status of the Welsh language that have taken place in the UK in the last few decades.

In §2.4 and §3.4, I discussed the subversion of deonticity in the EU's and Luxembourg's statutes. One can find similar examples of subversion in UK law. The *Rights of Children and Young Persons (Wales) Measure 2011* subverts the deontic value of 'shall' in the following section:

> Article 17. State Parties recognize the important function performed by the mass media and **shall** ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health (my emphasis)

Moreover, the 2011 Measure also stipulates that the State 'shall encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous'. Neither 'ensure' nor 'encourage' is a concrete verb, and even if 'shall' is generally supposed to express obligation, this meaning cannot be realised when 'shall' is used with non-specific verbs. These examples reveal that the deontic meaning of 'shall' is not absolute. In order to adopt a critical view, one must question the consequences of such non-specific use of 'shall' for minority languages. Even if the measures to consider the needs of linguistic minorities are

specified (e.g. allocation of a certain number of broadcasting hours per day or week), the sense of obligation is mitigated by the use of the verb 'encourage' because it does not express compulsion.

4.5 Conclusion

The most important finding of the chapter is to highlight the importance of texts in understanding language policies and socio-political changes. The statutes on civic registration demonstrate how language policies evolve over time. These texts also underscore the significance of modal verbs in shaping policy texts; they constitute concrete evidence of power structures. The investigation of UK statutes on civic registration shows that the Welsh language has gradually gained importance in UK policies. While the statutes from the 1970s state that 'Welsh may be used', this formulation gradually changes to 'Welsh shall be used' in the texts from the 1980s. The second important contribution of this chapter was to show the importance of 'less discussed policies' in language policy research. Registration of births, deaths, and marriages is not a domain that one would generally associate with language policies, yet it offers valuable insights into the historical changes in these policies. This chapter demonstrates that in language policy research there is a need to focus on texts which may not seem directly related to policy research, but are nonetheless crucial for understanding policies on language use.

The third contribution of the chapter is to offer further evidence in support of the idea that post-devolution language policies in Wales are more inclusive than pre-devolution UK policies applicable to Wales. Even if current policies are mainly focused on Welsh, the Welsh government follows the EU policy of promoting multilingualism in certain domains. The comparison of policies related to the business domain shows that the latest policy is more inclusive of languages: whilst the 2007 statute on packaging and labelling of natural water had an English-only approach, the 2015 statute includes languages other than Welsh and English. Similarly, the *Independent Health Care (Wales) Regulations 2011* emphasise that the cultural and linguistic background of patients should be respected by private healthcare providers. As mentioned in §4.3.2, the Welsh government transposed the *United Nations Convention on the Rights of the Child* into law through the *Rights of Children and Young Persons (Wales) Measure 2011*, thereby establishing the right of children who are of indigenous origin or belong to linguistic minorities to use their language. To sum up, although the Welsh

government has pushed for the use of Welsh, its policies cannot be said to be driven by a monolingual Welsh-only ideology. Conversely, UK policies are caught between maintaining British particularity and practising democratic values. British particularity emerges from the English language's unique position as the lingua franca of the world. At the same time, adherence to democratic values concerns recognising that there are languages other than English which are also part of British history.

As far as historical factors are concerned, one of the main points that emerges from the discussion of language policies in Wales is the role of grassroots-level organisations in the formulation and implementation of policies. As opposed to other autochthonous languages of the UK, Welsh speakers have always formed a much larger proportion of the total population, which has enabled them to influence the political processes, and is the main reason why the position of Welsh was more secure even before devolution in 1999. As early as 1938, the Welsh community was able to launch a petition (supported by 360,000 signatories), and by 1967, there was a separate act for Welsh (*Welsh Language Act 1967*). The legal standing of Welsh today is a result of decades of struggle, and indicates the gradual democratisation of policymaking in the UK. However, such democratisation is a result of pressure from organisations such as the Welsh Language Society (CIG). Moreover, political actors have also been instrumental in the promotion of Welsh. The S4C was established only when Gwynfor Evans threatened to go on a hunger strike. These events underline the role of different stakeholders in the promotion of Welsh in Wales.

Part III
Chapter 5
Language Policies in India
5.1 Introduction

The chapters on the EU, Luxembourg and Wales have shown different kinds of hierarchies in which one language (English vs other languages) or a set of languages (English, French, and German vs other EU languages) or a category of language (autochthnous vs allochthonous) is superimposed on others. In this context, I start this chapter by referring to Abbi's (2009) model of language hierarchies in India. According to Abbi (2009: 304), in the scheme of hierarchies, the top tier is occupied by English followed by 22 languages recognised as official at the regional level (along with Hindi as the cross-regional official language), followed by the dialects of these 22 languages. The fourth position is occupied by the languages not recognised as official, followed by their dialects, and at the bottom of the hierarchy are languages with fewer than 10000 speakers which are not recognised in the official census, as they are put into the category 'others' in the census. In this chapter, I investigate how these hierarchies relate to central-level language policies in India.

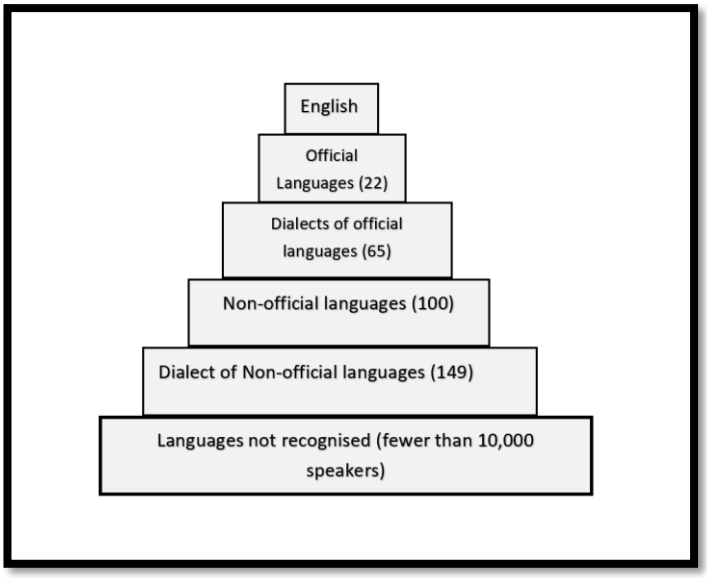


Fig. 12. Hierarchy of languages in India (Abbi 2009: 304)

The second point of departure is the accusation of 'linguistic imperialism' or 'cultural imperialism' that is levelled against Hindi-speakers (Ganguly 2007: 51). The reason behind this accusation is that the majority of Indian leaders wanted to implement Hindi as the national language of India after independence (ibid.). Indian language policies have undoubtedly preferred Hindi over other languages, but it is important to consider

whether such selective promotion of languages can be termed 'imperialism'. This is because hierarchies exist not just at the national, but also at the regional level. For example, one can consider the case of Rajasthan, one of the 29 Indian states, where the speakers of different languages (such as Mewari, Harauti, Malvi, and Dhundhari, all of which are considered dialects of Hindi) united against the proposal to make Marwari, another local language which also counts as a dialect of Hindi, one of the official languages of India (Sharma 2015: 44). It is interesting to note that the speakers of these languages did not object to the superior status of Hindi, but maintained that the recognition of Marwari as one of India's official languages could lead to the disintegration of Rajasthan (ibid.). While Hindi was seen as an 'imperialist' force by the non-Hindi-speaking states when the central government tried to implement it as the only official language of India, in Rajasthan it became a unifying factor.

In view of the contradictory forms of language hierarchies at national and state level, I examine whether an overarching labelling of Indian language policies as 'imperialist' is justified. It should be investigated whether Hindi dominates every domain or whether languages other than Hindi also dominate different domains. Furthermore, the question of English needs to be considered. The position of English in the Indian linguistic situation has always been problematic because of the colonial association (cf. §5.2.3.1). However, recent developments in LP research, represented by scholars such as Vaish (2005) and Weber (2014), have put forward counter-arguments to the domination-subordination narrative by portraying English as a 'language of decolonisation'. Vaish (2005) disagrees with sociolinguists who posit that English endangers local languages and perpetuates inequality, and argues that English is an 'agent of decolonisation' that enables the urban poor to access the global economy. This argument, informed by the works of postcolonial thinkers such as Said (1978), impels us to re-examine existing analyses (Phillipson 1992, Skutnabb-Kangas 2000) centred around the issue of the 'linguistic imperialism' of English. Finally, apart from national and state level politics, power and ideology come into play in a number of contexts such as the interface of language, religion, caste, etc. The following section discusses the role of such interfaces in the historical-structural factors underpinning the language policies of India.

5.2 Historical-structural factors

5.2.1 The problem of measuring linguistic diversity

India has one of the highest numbers of officially recognised languages of any country: there are 22 official languages along with English as a cross-regional 'associate official language' (Ministry of Human Resource Development; henceforth 'MHRD'). It should be noted here – given the fact that Hindi is often mistaken as the 'national language' of India – that in contrast to many other polities of the world, India does not make any provisions for a 'national language' (details in §2.3 and §3.1).[1] Apart from these official languages, there are hundreds of other languages in India, which makes it one of the most linguistically diverse countries in the world. There are 448 living languages in India belonging to five different language families, namely Andamanese, Austro-Asiatic, Dravidian, Indo-Aryan and Tibeto-Burman (Simons/Fennig 2018a; Abbi 2008).[2] It should be noted that the exact number of languages spoken in India varies according to time and to the survey consulted. The survey conducted by George Grierson from 1894 to 1928 counted 364 languages[3], while according to the People's Language Survey of India (PLSI), the first results of which were published in 2013, there are 780 living languages in India (Lalmalsawma 2013). Moreover, the official census data has produced varied figures on different occasions. According to Dasgupta (2003: 24), 'even a simple head count of mother-tongue speakers may not be easy because the definition of "mother tongue", as in the case of Indian census data, may vary from one enumeration to another'.

5.2.2 Distribution of powers

The Republic of India has a federal structure and consists of 29 States and 7 Union Territories (GOI 2018a). These states are as follows: Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir (J&K), Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Punjab, Rajasthan, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand and West Bengal (Fig. 13). The Union Territories, which are directly governed by the Union, are: Andaman

[1] The main categories for differentiating between languages in India are 'Eighth Schedule' (ES) and 'Classical Languages' (§5.2.3.5 and §5.2.3.6).

[2] A sixth language family has been proposed by Anvita Abbi based on the lexical and morphosyntactic differences between Great Andamanese and Onge and Jarawa (Abbi 2008).

[3] The provinces of Madras and Burma, and the States of Hyderabad and Mysore were not included in the Survey conducted by Grierson.

and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Lakshadweep, National Capital Territory of Delhi, and Puducherry (Fig. 13). The languages, the use of which is permitted for (a) communication between the central government and the state governments and (b) inter-state communication, are Hindi and English (*Official Language Act 1963*). In addition to these languages with cross-regional legal validity, India has 21 official languages, which are used for communication at intra-state level. These are Assamese, Bengali, Bodo, Dogri, Gujarati, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Marathi, Meitei, Nepali, Oriya, Panjabi, Santali, Sanskrit, Sindhi, Tamil, Telugu, and Urdu (MHRD 2016).

The division of powers between the Union and State governments on various matters is mentioned in the Constitution of India (hereafter 'COI') in three separate lists called the Union List, the State List and the Concurrent List (COI, Schedule VII). These lists are comparable to the list of 'Competences' of the EU and its member states. The Union List consists of 96 different matters which are within the powers of the Union government such as banking, defence, patents, copyright, trade-marks, postal communication, telephones, wireless, broadcasting and other such forms of communication, etc. (COI, Schedule VII). The State List mentions matters upon which the individual States have the discretion such as policing, prisons, local government, public health and sanitation, hospitals and dispensaries, etc. (COI, Schedule VII). Lastly, the Concurrent List consists of matters in which the Union and the State governments share power, e.g. education, criminal law, criminal procedure, administration of justice, evidence and oaths, recognition of laws, public acts and records, judicial proceedings, civil procedure, social security and social insurance, etc. (COI, Schedule VII). The educational institutions deemed by the Parliament by law to be an institution of national importance belong to the Union List (COI, Schedule VII). Moreover, 'coordination and determination in institutions for higher education or research and scientific and technical institutions' also comes under the Union List (COI, Schedule VII).



Fig. 13. Political Map of India (D-Maps 2018a)

	State/UT	Official language(s)	Additional official language(s)
	States		
1	Andhra Pradesh	Telugu	
2	Arunachal Pradesh	English	
3	Assam	Assamese	
4	Bihar	Hindi	Urdu
5	Chattisgarh	Hindi	
6	Goa	Konkani (in Devanagari script)	
7	Gujarat	Gujarati	

8	Haryana	Hindi	English
9	Himachal Pradesh	Hindi	
10	J&K	Urdu	
11	Jharkhand	Hindi	
12	Karnataka	Kannada	
13	Kerala	Malayalam	
14	Madhya Pradesh	Hindi	
15	Maharashtra	Marathi	
16	Manipur	Manipuri	English
17	Meghalaya	English	
18	Mizoram	Mizo, English, Hindi	
19	Nagaland	English	
20	Orissa	Odiya	
21	Punjab	Punjabi (in Gurumukhi script)	
22	Rajasthan	Hindi	English
23	Sikkim	English	
24	Tamil Nadu	Tamil	English
25	Telangana	Telugu	Urdu[4]
26	Tripura	Bengali, English, Kokborok	
27	Uttar Pradesh	Hindi	Urdu
28	Uttarakhand	Hindi	Sanskrit
29	West Bengal	Bengali	Nepali
	Union Territories		
31	Andaman & Nicobar Islands	Hindi, English	
32	Chandigarh	English	
33	Dadra and Nagar Haveli	Hindi, Gujarati	
34	Daman & Diu	No officially declared language; communication with the centre made in Hindi and English	
35	Lakshadweep	English	
36	Puducherry	Tamil, Telegu, Malayalam, English	

Table 11. Official languages of States and Union Territories (CLM 2016)

Language	Number of speakers (2001 Census)	Rank
Hindi	422,048,642	1
Bengali	83,369,769	2
Telugu	74,002,856	3
Marathi	71,936,894	4
Tamil	60,793,814	5
Urdu	51,536,111	6

[4] See Article 2 of *Telangana Official Languages (Amendment) Act 2017*.

Gujarati	46,091,617	7
Kannada	37,924,011	8
Malayalam	33,066,392	9
Oriya	33,017,446	10
Panjabi	29,102,477	11
Assamese	13,168,484	12
Maithili	12,179,122	13
Santali	6,469,600	14
Kashmiri	5,527,698	15
Nepali	2,871,749	16
Sindhi	2,535,485	17
Konkani	2,489,015	18
Dogri	2,282,589	19
Meitei	1,466,705	20
Bodo	1,350,478	21
Sanskrit	14,135	22

Table 12. Official Indian languages (ORGCC 2001)

5.2.3 History

5.2.3.1 Hindi, Hindustani, Urdu or English

Power and ideology have played a crucial role in shaping the language hierarchies of India both before and after independence. Under Muslim rule, it was Persian which replaced Sanskrit as the main language of administration, while during British rule, Persian gave way to English (Rahman 2011).[5] According to Thirumalai (2004), by the end of the nineteenth century, knowledge of English had begun to be synonymous with education, and English-educated Indians wielded power due to the growing higher status accorded to them in processes of decision-making in public affairs. Such dominance of English was a key issue for the political leaders during the struggle for India's independence. Mahatma Gandhi (1869-1948), the architect of India's independence movement, commented that 'to give millions a knowledge of English is to enslave them' (Gandhi 1997: 103). Mahatma Gandhi who himself spoke Gujarati as

[5] It is difficult to give an exact date of when Persian became the official language of administration in India. Muslim rule in India started around 1000 AD. Alam (1998: 325) notes that Akbar (1542-1605), the third Emperor of the Mughal Empire, was the first among the Indo-Islamic kings of northern India formally to make Persian the language of administration at all levels. However, Persian was in use as an official language before the advent of Mughal Empire in 1526, and lasted until its end in 1857 (Chavan 2013). The Mughal Empire was succeeded by the British Raj, which lasted from 1858 to 1947. Prior to the British Raj, the main British actor in India was the East India Company from 1757 until 1857.

his first language argued that ‘a universal language for India should be Hindi, with the option of writing it in Persian or Nagari characters’ (Gandhi 1997: 105). According to Dasgupta (1970: 110), the language Gandhi refers to is in fact ‘Hindustani’. In his Linguistic Survey of India, Grierson (1916: 47) defines ‘Hindōstānī’ as ‘primarily the language of the Upper Gangetic Doab, and is also the lingua franca of India, capable of being written in both Persian and Dēvanāgarī characters, and without purism, avoiding alike the excessive use of either Persian or Sanskrit words when employed for literature’. The name ‘Urdu’, as Grierson (ibid.) describes, can be confined to ‘the special variety of Hindōstānī in which Persian words are of frequent occurrence’, while ‘Hindi’ refers to the form of Hindustani ‘in which Sanskrit words abound’.

The origins of Urdu lie in the ‘complex sociolinguistic situation’ created from the interaction of the native people and the foreign invaders who started settling down in India in the first half of the last millennium (Kumar 2009: 5). These foreign rulers had Turkish as their mother tongue, Arabic as the language of religion and Persian as the language of official transaction and literary activities, and as Arabic or Persian could not gain all-India acceptance, ‘many local colloquial varieties were taking the form of full-fledged languages’ (ibid.). Present-day Hindu and Urdu originated from *Khariboli*, a language spoken around Delhi, which started taking shape as the lingua franca of North India as a result of the ‘intermingling’ of the languages of the foreign rulers and the local population (ibid.). According to King (2001: 46-47), by 1600 AD, Urdu, which literally means ‘language of (army) camps’, diverged from its Hindi origins through ‘extensive absorption of Persian and Arabic linguistic material’ which concerned its lexical, syntactic and phonemic features as well as stylistic aspects. Moreover, the Islamic culture of the Mughal rulers played an important part in their choice of a variant of the Arabic script to write Urdu (ibid.).

In the nineteenth century, the question of script became ‘paramount’ (King 2001: 55). Organisations of writers, scholars and intellectuals in general were created to argue for one script or the other (ibid.). An extraordinarily large amount of political energy was expended on Hindi-Urdu digraphia as communal tensions between Hindus and Muslims increased (ibid.). Gandhi believed that knowledge of the scripts of both Hindi and Urdu was necessary for Hindus and Muslims to have close relations with each other (Gandhi 1997: 105). Hindu-Muslim relations eventually proved crucial both for the socio-

political and linguistic history of India. The Muslim League, a political party which claimed to represent the interests of Muslims, demanded a separate 'nation' for Muslims which was agreed to by the departing British, leading to the Partition of British India into two separate and independent states: India and Pakistan. Urdu was designated the national language of Pakistan, while Hindi was chosen as the official language of India after the end of British rule.[6] It should be noted that Urdu is also one of the 23 official languages of India, even though the differences between Hindi and Urdu are more socio-political than linguistic.

5.2.3.2 Development of a national policy

Although Gandhi argued strongly against the dominance of English, this position softened gradually, as is reflected in the writings of Jawaharlal Nehru (1889-1964) who was the first Prime Minister of India. While Nehru (1959) acknowledged the importance of supporting Indian languages and argued that 'there was a need to conduct education and work progressively in Indian languages in order to keep in touch with the people and to bring them into emotional contact with what is happening in the Government and the country', he also stated clearly that English should not be ignored. Nehru (1959) saw English as 'the major window to the modern world' and posited that India would imperil its future if 'this window is closed'.

A discussion of Indian language policies should not remain limited to Hindi and Urdu. Other, numerically stronger, languages such as Tamil, Telugu, Marathi, and Bangla among others have also played an important part in shaping language policies, and it is because of the resistance shown by speakers of these languages that English has eventually assumed a greater role in what we can describe as a compromise between the Hindi- and non-Hindi-speaking states in India. The original plan of the Government of India was to implement Hindi as the only official language of India, and the non-Hindi speaking states were given a time-span of 15 years – starting from 26 January 1950, the day on which the COI came into effect – to learn Hindi. Article 343 of the COI provides that 'for a period of fifteen years from the commencement of this Constitution, the

[6] King (2001: 52) suggests that standard Hindi and standard Urdu diverged even more 'startlingly' after the partition of India into India and Pakistan in 1947, and this process was accelerated with the spread of radio and television. According to Rahman (2011: 2), the spoken form, which is popularized by Bollywood and Indian and Pakistani TV plays and songs, is understood alike in Delhi, Karachi, and Lahore.

English language shall continue to be used for all the official purposes of the Union for which it was being used immediately before such commencement'.

The Constitution did make room for the use of languages other than Hindi at the state level through Article 345, which decrees that the 'legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State'. Moreover, the COI also gave official recognition to regional languages by including them in a list called the Eighth Schedule (ES). According to the COI, the goal of the ES was to create a list of languages from which linguistic features could be borrowed for the 'enrichment' of Hindi (Art. 351). But, as Khubchandani (1995: 30) observes, various political pressure-groups and the bureaucratic machinery regarded this provision as 'an instrument of corporate accreditation' to single out the languages of the ES for 'special treatment in the development programmes'.

5.2.3.3 Elite interests

Although the non-Hindi speaking states had initially agreed to the proposal of learning Hindi in 15 years, they withdrew because they saw this policy as a form of what Ganguly (2007: 51) calls 'cultural imperialism'. However, 'cultural imperialism' was not the only reason for the anti-Hindi stance of speakers from non-Hindi states. As discussed in §5.1, the choice of an official language is also entangled with financial concerns. If Hindi had become the only official language, the English-speaking elite from non-Hindi states would have lost their advantage. This is because a large number of employees in the Indian Administrative Services, which is the elite category of government positions, came from these states, as admission to the Indian Administrative Services did not require knowledge of Hindi. English was the main language for entrance examinations for these government positions. The strongest opponents of the Hindi-only policy were Tamil speakers. Their resistance can also be attributed to the fact that from 1948 to 1962 Madras State filled 23.3 per cent of places in the Indian Administrative Services through competitive examinations, which was higher than the percentage of any other state (Forrester 1966: 23).

5.2.3.4 ‘May’ or ‘shall’

In 1963, the *Official Language Act 1963* was passed which provided for the use of English in addition to Hindi for all the purposes of the Union and for the transaction of business in Parliament (Art. 3). However, it introduced a minor, yet crucial change that was not received well by the leaders of some non-Hindi-speaking states. The difference between the earlier fifteen-year period and the period after 1963 is that while the earlier provision in the COI decrees that English ‘shall continue to be used’ (Art. 343.2), the 1963 Act says that ‘English may continue to be used’ (Art. 3). According to Guha (2005), the caveat ‘may’ has proved to be problematic because while Nehru argued that it meant ‘shall’, other Congressmen thought it actually implied ‘may not’. Whilst the Official Language Act 1963 was amended in 1967, Article 3 remained unchanged and still states that ‘English may be used’.

5.2.3.5 The category of ‘Eighth Schedule’

Hindi was to be declared the only official language of India on 26 January 1965 causing widespread protests in Madras State (now known as Tamil Nadu) in the months of January and February that year. There were cases of self-immolation, and clashes between demonstrators and policemen. On 11 February the Indian Army had to intervene in four towns after a day of violence that left at least 21 people dead and hundreds injured (Brady 1965: 10). Ten people were killed at Kumarapalayam, on the banks of the Cauvery river, when policemen opened fire on a mob of 10,000 people which had attacked a textile mill and a police station, and in Tiruppur, two police sub-inspectors, M. Ramaswamy and N. K. Venkatesan, were burned to death by a mob (ibid.).

The consequence of these protests was that English was allowed to continue as the medium of communication between the central government and the states in which Hindi was not spoken. As a result, English became *de facto* the most important language in India at the official level. As far as the languages included in the Eighth Schedule (ES) were concerned, they gradually came to be considered ‘official languages of India’ even though the COI describes only Hindi as the ‘official language of the Union’ (Art. 343). In 1950, the following 14 languages were in this list (ordered by number of speakers): Hindi, Telugu, Bengali, Marathi, Tamil, Urdu, Gujarati, Kannada, Malayalam, Oriya, Punjabi, Kashmiri, Assamese and Sanskrit. Since 1950,

there have been three amendments to the ES: Sindhi was included through *Constitution Amendment Bill No. 21* in 1967; Konkani, Manipuri, and Nepali through *Amendment Bill No. 71* in 1992; and Maithili, Santali, Bodo, and Dogri through *Amendment Bill No. 100* in 2003 (Singh 2006: 40). As a result, India currently has 22 official languages. Interestingly, English, which is *de facto* the most important language in India, does not feature in the ES because it is not an Indian language.

The privilege of being included in the ES means, as Sarangi (2009: 27-28) posits, that these languages acquire a certain degree of 'cultural capital', since they play a crucial role in social mobility. This has led to a rivalry amongst speakers of various languages to become part of this list (ibid.). The rivalry for inclusion in the ES is complicated by the ambiguous nature of the criteria on the basis of which a language can become part of the ES. According to Krishnamurti (1995: 10), 'the major languages with literary traditions, having scripts of their own, and already in use in newspapers and the radio became the natural and undisputed candidates for inclusion in the Eighth Schedule'. However, Saxena (1997: 272) argues that 'there are no demographic, cultural, or linguistic criteria for inclusion or non-inclusion' in the ES, and that 'it has evidently depended largely on the ability of a language group to influence the political process'.

5.2.3.6 Classical languages

The 'Eighth Schedule' is not the only category of differentiation created by Indian language policies. In the last decade, a number of languages have been added to the 'classical languages' category, to which originally only Sanskrit belonged. In order to qualify as a 'classical language', a language needs to fulfil the following criteria: (i) have a recorded history over a period of 1500-2000 years, (ii) have a body of ancient literature, which is considered a valuable heritage by generations of speakers, (iii) have an original literary tradition not borrowed from another speech community, where the classical language and literature are distinct from the modern form of the language (Katoch 2014). Politicians from Tamil Nadu petitioned for this status for Tamil for a long time. Dravida Munnetra Kazhagam (DMK), a leading political party from Tamil Nadu, which was the main architect of the anti-Hindi agitations in the 1960s, was one of the key allies of the Congress party in the 2004 general elections. When the Congress party came to power that year, the DMK reiterated its demand for classical language

status, which was approved by the MHRD (Venkatachalapathy 2009: 13) given the resounding victory the DMK had won in Tamil Nadu.

Whilst Venkatachalapathy (ibid.) claims that the demand was of a 'symbolic nature', this is not entirely correct. The 'classical' status of a language leads to the following benefits: (i) establishment of two annual awards for scholars of classical languages, (ii) establishment of a 'centre of excellence for studies in classical languages', and (iii) creation of professorial chairs for classical languages in central universities (Selja 2011). Furthermore, the central government offers substantial financial support for the promotion of classical languages. The total funds allocated to the languages that were declared as 'classical' in the fiscal years 2011-12 and 2012-13 are mentioned in the following table:

	Money granted (in million pounds)	
	2011-12	**2012-13**
Kannada	0.072	0.25
Telugu	0.072	0.25
Tamil	1.55	0.745
Sanskrit	19.38	21.22

Table 13. Government funding for classical languages (Tharoor 2013). The original amount was in INR, and has been converted to GBP as per the conversion rates in 2011[7] and 2012.[8]

For the purpose of comparison, the following table presents the funds allocated to smaller and minority languages from the years 2005 to 2010:

		Amount granted from 2005 to 2010 (in INR)	Amount in GBP[9]
1	Aimol	511,091	7,206
2	Aka	112,500	1,586
3	Ao	379,475	5,350
4	Bhili	0	0
5	Boro	118,082	1,664
7	Chang	52000	733
8	Chakesang	287,854	4,058
9	Chiru	94471	1,132
10	Chote	74000	1,043
11	Deuri	130,832	1,844
12	Dimasa	405,375	5,715
13	Gangte	0	0
14	Gojri	131,087	1,848
15	Hmar	72800	1,026
16	Ho	0	0
17	Juang	0	0
18	Karbi	102,179	1,440
19	Khasi	160,970	2,269
20	Khiamungan	107,130	1,510
21	Kodava	22500	317
22	Kokborok	248,776	3,507
23	Kom	86686	1,222

[7] Exchange-Rates 2018a.
[8] Exchange-Rates 2018b.
[9] Exchange Rates 2018.

24	Korku	10,591	149
25	Kuki Chin	124,587	1,756
26	Kuzhale	20000	281
27	Lahanda	0	0
28	Lahuali	7291	102
29	Lai-haroba	49500	697
30	Lecha	230,408	3,248
31	Liangmai	300,004	4,230
32	Limboo	7200	101
33	Lotha	53150	749
34	Mao	687,994	9,700
35	Meitei	136,680	1,927
36	Missing	669,600	9,822
37	Mizo	0	0
38	Monsang	97,092	1,369
39	Mundari	30,000	422
40	Nagamese	52,650	742
41	Nocte	349,859	4,933
42	Nyshi	3000	42
43	Phom	110,643	1,560
44	Pnar	17,635	248
45	Rabha	0	0
46	Reang	105,690	1,490
47	Rongmei	124,419	1,754
48	Siyin	35,800	504
49	Sukte	157,456	2,220
50	Tai Khampti	48,440	683
51	Tani	335,650	4,732
52	Tankhul	494,072	6,966
53	Thadou-Kuki	119,257	1,681
54	Thangal	392,929	5,540
55	Thangsa	11,145	157
56	Tiwa	497,634	7,016
57	Tulu	29,445	415
58	Vaiphei	17,805	251
59	Wancho	100,048	1,410
60	Yimchungru	187,322	2,641
61	Zou	352,995	4,977
62	Others	121,894	1,718
	TOTAL	**9,287,885**	**130,959**

Table 14. Funds allocated to minority languages (Narayanasamy 2010)

A total amount of £130,959 spent on more than 62 living languages combined over the course of five years as compared to £21 million for Sanskrit in just one year reveals that minority languages have not been a priority of India's language policies. Although official policy does not give reasons for this uneven financial support, the promotion of Sanskrit is related to the fact that it is seen as a symbol of identity of a large number of Indians.[10] In the following sections, I examine whether this neglect of minority languages is also reflected in statutes pertaining to different policy domains.

5.3 Language Policies

5.3.1 Administration

[10] For a detailed and critical analysis of the nationalisation of Sanskrit, see Ramaswamy (2009).

According to Lerner (2016: 64), the language policies of India immediately after independence were caught between nationalistic aspirations (i.e. Hindi-only policy) and their pragmatic realisation. As discussed in §5.2, the nationalistic aspirations had to make way for more pragmatic solutions. However, official policy has nonetheless tried to maintain the dominance of Hindi. The *de jure* policy dictates that the official language of the Union 'shall be Hindi in Devanagari script' (Article 343, COI). Moreover, the central government has often tried to promote Hindi in the country in different domains, the legal basis of which can be found in Article 351 of the COI, which says 'it shall be the duty of the Union to promote the spread of the Hindi language'. Despite such constitutional provisions and the measures undertaken to implement them, the regional languages have not been entirely overlooked in the statutes concerning different domains. This section discusses the position of Hindi and regional languages in the administrative domain.

5.3.1.1 Official vs national language

As mentioned previously, India does not have a 'national language'. During the Constituent Assembly Debates, the supporters of the Sanskrit-oriented form of Hindi suggested amendments (to the initial draft of the Constitution) that read as follows: *Hindi (Bharati) shall be the national (official) language of India* (Austin 2009: 58). However, the revised version of the draft, which became part of the Constitution in 1950, dropped 'national' and used 'official' for Hindi (Austin 2009: 79). This change was crucial in view of internal conflict in the Indian Parliament after independence, as the assembly was divided into two factions over the issue of language. While one group wanted 'one language and one script for the country' (i.e. Hindi), the other group wanted 'unity in diversity'.[11] Eventually, the idea of 'unity in diversity' prevailed which prevented Hindi from becoming the sole dominant language.

5.3.1.2 Language use in the states

The COI makes room for the use of other languages at the state level through Article 345 which decrees that 'the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State'. This Article served as the basis of the

[11] The leading proponent of the first view was Seth Govind Das, a Congress representative of the Central Provinces and Berar, while the other view was heralded by Shankarrao Deo from Bombay Province (Austin 2009; Lerner 2016).

enactment of several language-related acts such as the *Tamil Nadu Official Language Act 1956, Karnataka Official Language Act 1963 Act*, etc. As far inter-state or centre-state communication is concerned, Article 346 stipulates that 'the language for the time being authorised for use in the Union for official purposes shall be the official language for communication between one State and another State and between a State and the Union provided that if two or more States agree that the Hindi language should be the official language for communication between such States, that language may be used for such communication'. While the Hindi-speaking states choose to communicate in Hindi, the communication between states with different official languages occurs mostly in English.

5.3.1.3 Language use in the parliament

Language use in the parliament is restricted to Hindi and English (Art. 120, COI), however the Chairman of the Council of States or Speaker of the House of People may permit 'as the case may be, any member who cannot adequately express himself in Hindi or in English to address the House in his mother-tongue'. The languages to be used in the state legislatures include Hindi, English, or the official language(s) of the given state (Art. 210, COI). Provisions for the use of non-ES languages are made in the same Article, which allows speakers to use their mother tongue if they cannot adequately express themselves in any of the three options named above.

5.3.1.4 Language of the National Gazette

The Gazette of India is published in English and Hindi which is in accordance with Article 3.3 of the *Official Languages Act 1963*, according to which resolutions, general orders, rules, notifications, agreements, administrative and other reports or press communiques etc. shall be issued bilingually. The symbolic dominance of Hindi in the Gazette is marked by placing the Hindi title of the Gazette भारत का राजपत्र (b^{h}ārata kā rājapatra) over the English one (Fig. 14). It should also be noted that the Hindi title is marked boldface and has a bigger font-size compared to the English title. For the purpose of comparison, I have used imprints of copies of the Gazette from three other years. While the 1949 copy indicates the policy immediately after independence, the copies from 1963 and 1965 reflect the changes that occurred in 1965, the year in which Hindi was to become the only official language of India. Even if Hindi could not

become the only official language in 1965, it started featuring in the titles of the Gazette after 1965, while the copies before this year have monolingual titles.



Fig 14. Imprints of copies of 'Gazette of India' from the years 1949 (left above)[12], 1963 (right above)[13], 1965 (left below)[14], and 2017 (right below)[15]

5.3.1.5. Language use in public services

The dominance of Hindi is restricted in statutes related to civic registration. The *Registration of Births and Deaths Act 1969* decrees that the name and designation of the Registrar responsible for the registration of births and deaths 'is to be mentioned in the local language' (Art. 7). Moreover, the 1969 Act also states that forms related to the

[12] GOI 1949.
[13] GOI 1963.
[14] GOI 1965.
[15] GOI 2017.

registration of births and deaths are to be made available in the 'local language'. It should be noted that the 1969 Act does not use the term 'regional language'. The focus is rather on the 'local languages', which indicates that policymaking has taken into account the needs of people, as the language dominant at the state level might not be the language spoken in a given locality. The registration of births/deaths represents a case in which the dominant language ideology is abandoned.

5.3.2 Legal safeguards for minority languages

Article 350b of the COI decrees that there 'shall be a Special Officer for linguistic minorities', and it 'shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities […] and report to the President'. However, this Article has not been properly implemented, as evident from the facts presented in Table 14 above. Furthermore, the situation of linguistic minorities has worsened because of the principle of 'rationalisation', which refers to the categorisation of numerically smaller languages under numerically larger languages (MHRD 2016). The rationalisation principle has been criticised as 'reductionist' because it deprives smaller and minority languages of their identity by labelling them as 'dialects' of numerically stronger languages (Abbi 2009: 302). Moreover, as noted in §5.1, the Indian government does not count the languages which have fewer than 10,000 speakers. According to the *UNESCO Atlas of the World's Languages in Danger*, there are 80 languages in India with fewer than 10,000 speakers (Table 15). The rationalisation principle means that 80 languages are ignored in the census. Such an approach towards minority languages can be seen as a driver of language loss in India. According to the PLSI, in the last 50 years, India has lost over 200 languages (Lalmalsawma 2013).

Aimol	Dakpa	Kom	Na	Spiti
Aiton	Darma	Koro	Nihali	Sulung
Aka	Dhimal	Kota	Onge	Sunam
Aka (Jebel Silok)	Eastern Balochi	Kundal Shahi	Pasi	Tai Nora
Asur	G'ata	Lamongse	Pengo	Tai Phake
Baghati	Gorum	Lishpa	Pu	Tai Rong
Bellari	Great Andamanese	Lohar	Purum	Takahanyilang
Bharmauri	Handuri	Luro	Rawat	Tarao
Birhor	Holiya	Mech	Remo	Taruang
Bokar	Jad	Miji	Rongpo	Thang-mi
Bori	Jang-shung	Miju	Ruga	Tinan
Brokshat	Jarawa	Milang	Senenyo	Toda
Bunan	Kanashi	Motuo Menba	Sentilese	Toto

Bugun	Khamba	Moyon	Sherdukpen	Turi
Byangsi	Khamyang	Mugom	Shompen	Vishavan
Chinali	Khowa	Mra	Singpho	Zaiwa

Table 15. List of languages with fewer than 10000 speakers (UNESCO 2016)

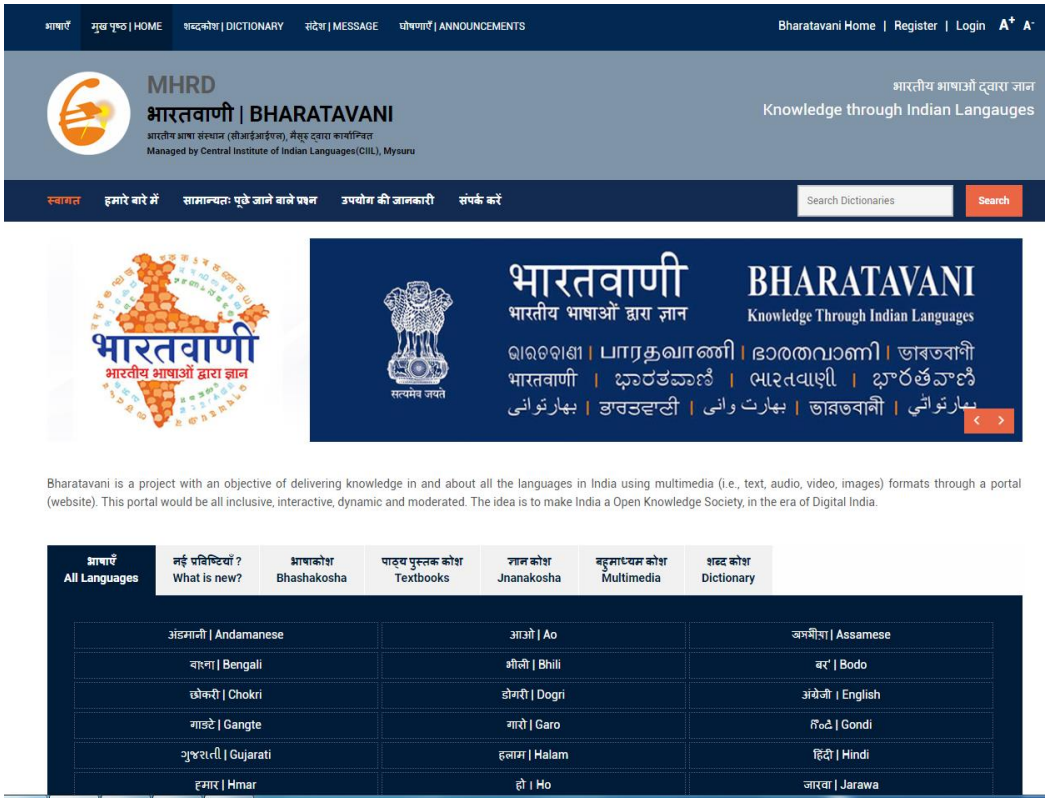


Fig. 15. Homepage of the 'Bharatavani' project (CIIL s.a.)

In recent times, the Government of India (GOI) has developed some initiatives to promote minority languages.[16] For example, the Sahitya Akademi, the central academy for literature, has conferred literary awards in non-ES languages, such as Kokborok, Khasi, and Mizo, 'to encourage writings in these languages' (Fatmi 2005). Moreover, the GOI has launched the following two language documentation initiatives: (a) the Scheme for Protection and Preservation of Endangered Languages (SPPEL),[17] and (b) the Bharatavani Project.[18] While the first project focuses only on endangered languages, the second project is dedicated to creating a knowledge repository in and about all Indian languages. These recent documentation initiatives of the government represent a minor, yet positive change in the ideology of policymakers. The fact that languages such as Andamanese, Jarawa and Hmar are mentioned on the homepage of a government website can be seen a positive change (Fig. 15). However, the protection of these languages requires stronger legal safeguards and better financial support.

[16] It should be noted that these initiatives are not based upon any statutes.
[17] CIIL 2016.
[18] CIIL s.a.

5.3.3 Law

The language that dominates the legal domain is English. The COI was originally drafted in English and then translated into Hindi. The English version is considered authoritative in cases of discrepancies between the two versions. Moreover, the COI stipulates that the language of (i) the proceedings in the Supreme Court and in High Courts, (ii) the authoritative texts of bills to be introduced/amended in either house of the parliament or the state legislature, (iii) acts passed in either house of the parliament or the state legislature, and (iv) statutes issued under COI or under any law made by the parliament or the legislature of a state 'shall' be English (Art. 348.1). If the legislature of a state prescribes any language other than English for use in the statutes of the state, then these statutes must be accompanied by a translation in English which 'shall be deemed to be the authoritative text' (Art. 348.3). Finally, the Governor of a state may authorise the use of Hindi, or any other language used in proceedings in the High Court of that state, although the judgment, decrees, and orders have to be in English (Art. 348.2).

5.3.4 Education

The role of power in India's language-in-education policy can be examined in relation to three main issues: (i) the promotion of minority languages in education, (ii) the three-language formula (TLF), and (iii) the dominance of English. The COI makes substantial provisions for the promotion of minority languages in education. First, Article 30 of the COI gives linguistic minorities the right to establish and administer educational institutions of their choice, and decrees that the States 'shall' not discriminate, when granting aid, on the basis of language. Second, the *Right of Children to Free and Compulsory Education Act 2009* states that children aged 6-14 – including those belonging to disadvantaged groups – 'shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education'.[19] Third, Article 350a of the Constitution makes provisions for 'instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups'. Finally, the Constitution also decrees that 'no citizen shall be denied

[19] The term 'disadvantaged group' in the 2009 Act refers to the children belonging to the Scheduled Castes (SCs), the Scheduled Tribes (STs), and other group being disadvantaged because of social, cultural, linguistic or other factors. It should be noted that the term 'tribe' has not been defined anywhere in the COI. The term commonly used in the Indian Constitution is 'Scheduled Tribe(s)' (STs). Article 46 of the COI states that 'the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes'.

admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them' (Art. 29.2).

An 'admission for all' policy, as proposed by Art. 29.2 (COI), can only be effective for disadvantaged children if the system's design is conducive to their needs. According to the 2011-12 statistics on school education (MHRD 2014b: 66-68), the dropout rates for pupils from SC/ST communities are higher than the national average (Table 16). The rate of school dropouts at the primary level in states such as Mizoram, where the population of scheduled tribes is as high as 94.5%, is 60%. Mizoram is home to a number of minority languages such as Lakher (34,371 speakers), Pawi (24,900 speakers), Paite (14,367 speakers), and Hmar (14,240 speakers), but the only two minority languages offered in the schools are Bengali (80,389 speakers) and Nepali (8,948 speakers), both of which are official languages of India, and which may explain why they are preferred over other languages. The lack of proper implementation of the aforementioned provisions is responsible for a high number of dropouts in schools. A 2012 Study on inclusion and exclusion in primary and upper primary schools observes that 'language is an important site for exclusion' (SSA 2012: 23). The lack of mother tongue instruction is due to the fact that the first languages of a lot of children are not included in the three-language formula (TLF).

	State/UT	**All categories**	**Scheduled Castes**	**Scheduled Tribes**
1	Andhra Pradesh (undivided)	15.6	15.0	34.7
2	Arunachal Pradesh	30.9	-	34.2
3	Assam	32.2	24.0	31.3
4	Bihar	34.8	34.1	3.1
5	Chattisgarh	29.3	27.8	36.3
6	Goa	4.7	21.8	-
7	Gujarat	27.1	22.6	45.6
8	Haryana	7.1	9.1	-
9	Himachal Pradesh	3.7	7.1	-
10	J&K	8.4		29.8
11	Jharkhand	42.9	46.8	49.4
12	Karnataka	4.3	8.3	1.2
13	Kerala	-	-	-
14	Madhya Pradesh	27.4	6.1	27.8
15	Maharashtra	9.5	12.2	25.3

16	Manipur	44.8	13.3	34.8
17	Meghalaya	62.9	19.8	57.7
18	Mizoram	40.8	-	60.2
19	Nagaland	38.5	-	39.2
20	Orissa	15.5	16.3	28.5
21	Punjab	-	25.2	-
22	Rajasthan	43.3	42.8	39.5
23	Sikkim	9.1	22.0	10.6
24	Tamil Nadu	-	-	-
25	Telangana (see Andhra, row 1)	-	-	-
26	Tripura	26.8	15.6	42.4
27	Uttar Pradesh	18.6	31.4	25.8
28	Uttarakhand	34.8	31.5	46
29	West Bengal	24.3	18.4	37.6
30	Andaman & Nicobar Islands	7.7	-	1.2
31	Chandigarh	-	-	-
32	Dadra and Nagar Haveli	14.2	-	8.3
33	Daman & Diu	4.3	-	5.2
34	Delhi	-	-	19.1
35	Lakshadweep	13.0	-	13
36	Puducherry	-	-	-
Total	INDIA	22.3	23.5	35.3

Table 16. Percentage of dropout rates for pupils in primary schools (Grade 1 to 5). Source: MHRD 2014b (66-68)

The TLF is similar to the EU's MT+2 formula, not just because they prescribe the teaching of three languages, but also because neither are legally binding. In order to better understand the TLF, it is important first to have a basic overview of schooling in India. Schools in India can be broadly divided into two main categories: public and private. Public schools are run either by the central or the state government, and are usually free of charge.[20] The different states can devise their own policies on language use in education in their schools.

	Public sector schools		Private sector schools	
	Government	Local body	Private-aided	Private unaided
Primary	524,234	140,765	26,484	68,203
Upper primary	219,451	59,961	22,742	63,748
Secondary	42,119	11,582	27,053	36,252
Higher secondary	24,808	1,847	17,302	20,441
Total	810,612	214,155	93,581	188,644
Sector wise total	**1,024,767**		**282,225**	

Table 17. Number of public and private sector schools for different stages (British Council 2014: 12)

[20] Amongst other kinds of schools are National Open Schools (for children whose schooling has been interrupted and have been unable to complete formal education), Special-Needs Schools, International Schools, Ashram Schools, etc.

The duration of schooling in India is divided into the following five stages: (i) pre-primary stage, (ii) primary (Grade 1 – 5), (iii) upper primary or middle stage (Grade 6 – 8), (iv) secondary stage (Grade 9 – 10), and (v) higher secondary stage (Grade 11 – 12).

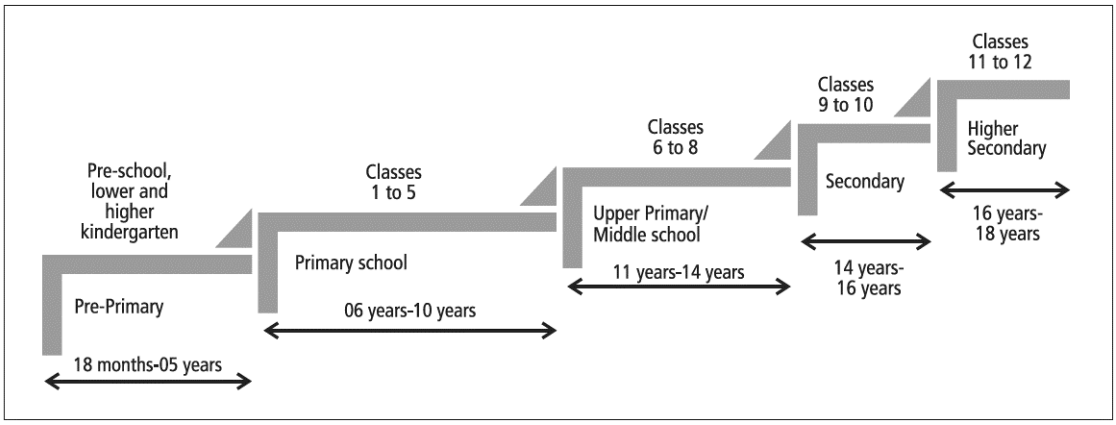


Fig 16. Stages of schooling in India (British Council 2014: 12)

At the end of Grade 10, there are graduating examinations, following which students have to choose from one of three streams (Arts, Commerce or Science) for the final two years of their schooling. It is mandatory to teach two languages at the primary level (up to Grade 5), three at the upper primary or middle level (Grade 6 to 8), and two at the secondary level (9-10), while at the higher levels only one language is compulsory. The combination of languages is decided by the TLF, which was initially suggested by the Central Advisory Board of Education (CABE) in 1956, and was further advocated by the Chief Ministers of different states at their meeting in 1961 (Dasgupta 1970: 244). A modified version of the suggestions by CABE and the Chief Ministers was later incorporated into the *National Policy on Education 1968*, the recommendations of which read as follows:

> 3(b) […] at the secondary stage, the State Governments should adopt, and […] implement, the three-language formula which includes the study of a modern Indian language, preferably one of the southern languages, apart from Hindi and English in the Hindi-speaking States, and of Hindi along with the regional language and English in the Non-Hindi-speaking States […] (MHRD 1968)

The TLF serves both as an educational and social policy because, as Sridhar (1989: 22) argues, it tries to accommodate the interests of group identity (mother tongues and regional languages), national pride and unity (Hindi), and administrative efficiency and technological progress (English). It was also designed to achieve national integration. However, such a goal cannot be fully realised without appropriate implementation of the policy: while a multitude of non-Hindi-speaking states do their part by offering

Hindi either as the second or third language in their schools, the Hindi-speaking states tend to teach Sanskrit as the third language. The promotion of Sanskrit contradicts the TLF's aim of achieving integration, since Sanskrit is only spoken by 14,135 speakers as their first language according to the 2001 census (ORGCC 2001). Ahlawat (1963) and Singh (1988: 29) argue that students get higher marks in Sanskrit which raises the question as to why a certain subject is viewed as 'high scoring' compared to others and whether it is a covert mechanism of the policymakers to promote the learning of Sanskrit in schools. The covert promotion of Sanskrit could be due to the fact that Sanskrit is seen as an integral part of the cultural history of India (Ramaswamy 2009). Moreover, as Annamalai (2005: 30) argues, students in Hindi states do not have the economic motivation to learn another Indian language, as any employment opportunity in other states for them is likely to be available because of their knowledge of English rather than their knowledge of regional languages.

The value of a language in the global economy plays a crucial role in the choice of the second language of the TLF. Meganathan (2011: 28) notes that 'English today is almost a compulsory second language', and is the only language apart from Hindi that is offered as a subject in all the states and union territories investigated in the Seventh All India Education Survey (NCERT 2006).[21] It should be added that a growing number of schools have started offering English as the medium of instruction (Table 18), which is a testimony to the dominance of English in the educational domain in India. A comparison of language learning data from the last three education surveys shows a sharp increase from almost 5% to around 15.5% of schools offering English as a medium of instruction at the primary level.

	1993	2002	2009
Primary	4.99%	12.98%	15.49%
Upper Primary	15.91%	18.25%	21.08%
Secondary	18.37%	25.84%	28.73%
Higher Secondary	28.09%	33.59%	33.06%

Table 18. English as a medium of instruction (Meganathan 2011; NCERT 2016)

The percentage of schools offering English as the medium of instruction increases from lower to higher stages of schooling in all the surveys. However, the growth of English in India is not necessarily entirely due to government policy, as, according to Meganathan (2011: 28), the 'language policy in India has adapted itself to the changing demands and aspirations of people over the period of time from 1947 to the present'.

[21] The full data for the 8th Educational Survey are yet to be released.

Compared to English, Hindi is still the dominant language in government schools. In 2009, Hindi was offered as the medium of instruction in 51.50% of schools at the primary stage, 54.15% of schools at the upper primary stage, 43.18% of schools at the secondary stage and 51.45% of schools at the higher secondary stage (NCERT 2016: 29). These data demonstrate that while government policy promotes Hindi, the global realities resulting from the greater economic value of English are gradually challenging the dominance of Hindi in schools.

5.3.5 Media

The statutes on language use in the media pursue the rhetoric of 'national integration', but the efforts undertaken towards this goal have largely focused on creating cultural uniformity rather than celebrating 'unity in diversity'. For example, the *Prasar Bharati (Broadcasting Corporation of India) Act 1990*, which led to the establishment of the broadcasting corporation 'Prasar Bharati' in 1997, decrees that the 'Corporation […] shall be guided' by the objectives of 'providing adequate coverage to the diverse cultures and languages of the various regions of the country by broadcasting appropriate programmes', and 'promoting national integration by broadcasting in a manner that facilitates communication in the languages in India' (Art. 12.2). The government had started taking minor steps in this direction even before the introduction of the Prasar Bharti Act by telecasting award-winning regional films every Sunday afternoon from the mid-1980s (Batabyal 2014: 20).[22] However, Batabyal (ibid.) contends that despite such attempts at inclusiveness the domination of Delhi and the Hindi language was obvious – perhaps because the coverage given on TV to non-Hindi films was not 'adequate' enough.

A similar point is made by Agrawal/Raghaviah (2006: 152) on the issue of news coverage. Agrawal/Raghaviah (ibid.) contend that Doordarshan had a 'Delhi-centric view of India' because 'each government treated India as a single coherent culture […] and argued that mass media cater to a large majority, promote uniformity and draw marginalised people into the national mainstream'. The effect of the efforts towards creating cultural uniformity was that a large number of viewers could not relate to the

[22] The decision to telecast regional language movies might have been influenced by the Report of the Working Group on National Film Policy (1979) which recommended that Doordarshan, the national television channel, should purchase subtitled prints of regional language films and telecast them (Karanth et al. 1979: 314).

television content (ibid.). The needs of speakers of regional languages were met in the 1990s when regional language channels were introduced (ibid.).

In addition to the 1990 Act mentioned above, the central government's policy on language use in the media seems to be influenced by Article 350 of the COI which stipulates that 'it shall be the duty of the Union to promote the spread of Hindi', and 'to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India'. In 1949, All India Radio (AIR), the national public radio broadcaster of India, started broadcasting in the non-Hindi speaking areas a programme on Hindi lessons (Luthra 1986). The Hindi-Urdu divide was entrenched through radio, as radio was used to standardise both Hindi and Urdu (Awasthy 1965: 130). The symbolic aspect of the Hindi-Urdu divide was the renaming of 'News in Hindustani' as 'News in Hindi' from 27 November 1949 onwards (ibid.). News in Urdu was introduced on 18 December 1949 (ibid.). The Hindi used in news bulletins became gradually highly Sanskritised, which led to questions about whether the language being used was comprehensible to the listeners (Dasgupta 1970: 176). It is useful to note that the programmes on radio were not entirely Hindi-oriented. As is the case with TV, there were efforts to give coverage to other languages. For example, lessons in non-Hindi languages, beginning with a course of 30 lessons in Tamil, started on a weekly basis from Delhi from October 6, 1957 (Luthra 1986). However, such measures remained limited in number, and the overall policy favoured Hindi over other languages.

5.3.6 Healthcare

The statutes related to healthcare indicate that, compared to other domains, the chances of R/M languages being preferred over Hindi are higher. For examine, Article 17 of the *Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules 1996* decrees that 'every Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic and Imaging Centre shall prominently display on its premises a notice in English and in the local language or languages for the information of the public, to the effect that disclosure of the sex of the foetus is prohibited under law'. The disclosure of sex of the foetus is illegal in India because of the large number of cases of female foeticides in the past.

The reason behind female foeticides is related to the dowry system, which is practiced despite being a criminal offence. It is not uncommon that in arranged marriages the family of the bride has to pay a large amount of money to the family of the bridegroom. The dowry system leads to female children being unwanted because many families cannot afford to pay large dowries. The purpose of the 1996 Rules is to ensure that the public stays well-informed on this sensitive issue, and therefore, the warning on this issue has to be given in English as well as local languages. The exclusion of local and minority languages in such a case would create a direct and visible impact, and be detrimental to society. Therefore, the central government abandons its ideology of promoting Hindi in this case.

5.3.7 Business

The primary focus of the statutes related to business is on English and – to a lesser extent – on Hindi, however they also make room for R/M languages. English is generally mandatory in statutes related to business and commerce except the *Standards of Weights and Measures (Packaged Commodities) Rules 1977*, which offer a choice between English or Hindi (Art. 7). While Hindi is given equal status to English in the 1977 Rules, it becomes subservient to English in the *Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Rules 1993* because any important notices have to be mentioned in English, while the Hindi version has to be an 'equivalent' of the English language notices (Article 6). Both these statutes allow the use of R/M languages through a clause stating that 'nothing contained in this sub-rule shall prevent the use of any other language in addition to Hindi or English language'. This clause shows that although the use of R/M languages is not mandatory, it is also not prohibited. However, such choice gets restricted in the *Geographical Indications of Goods (Registration and Protection) Rules, 2002*, according to which the registrar 'may' ask for an exact translation if an application for a geographical indication contains a word or words in a language other than Hindi or English (Art. 29).

5.3.8 Social welfare

The statutes concerning social welfare tend to give greater importance to 'local languages'. For example, the *Contract Labour (Regulation and Abolition) Central Rules 1971* give the local languages equal importance by decreeing that the notices showing

the rates of wages, hours of work, wage period, dates of payment of wages, and names and addresses of the inspectors having jurisdiction 'shall be displayed in English and in Hindi and in the local language understood by the majority of the workman (sic!) in conspicuous places at the establishment and the work-site' (Article 81). Another statute which considers the needs of people at grassroots level is the *Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Central Rules 1998*. The 1998 Rules decree that a copy of the health and safety policy 'shall be displayed in all the conspicuous places in Hindi and a local language understood by the majority of building workers at a construction site' (Art. 39.4). English is omitted in this case because the statute has been formulated in view of the fact that the construction workers might not speak or understand English.

In certain cases, statutes on social welfare omit both English and Hindi, and focus only on 'local languages'. For example, Article 19 of the *Maternity Benefit Act 1961* regulates that 'an abstract of the provisions of this Act and the rules made thereunder in the language or languages of the locality shall be exhibited in a conspicuous place by the employer in every part of the establishment in which women are employed'. These cases prove yet again that even if constitutional provisions aim to promote Hindi (Art. 351, COI), policies vary from domain to domain. As I have previously argued, language ideologies are suspended in certain cases in accordance with the needs of those who will be affected by the language legislation.

5.4 Textual analysis

The role played by modal verbs in India's legislation adds new perspectives to the findings made in the case study on Wales. The case study on Wales demonstrates that there has been a gradual democratisation of language policies, especially demonstrated by the shift from 'may' to 'shall' in statutes on the use of Welsh. The case study on India underscores this finding by revealing the politically sensitive nature of modal verbs. Bhatia (2005: 337) posits that the use of text-internal resources is largely determined by text-external factors and constraints, which plays a decisive role in the construction and interpretation of legislative provisions. In India's case, these text-external factors are evident from the changes made to the language provisions contained in Part XVII of the COI by the *Official Language Act 1963*. The Constitution, which was enacted in 1950, outlines India's language policy in the following manner:

> 343. Official language of the Union.—(1) The official language of the Union **shall** be Hindi in Devanagari script […] (2) Notwithstanding anything in clause (1), for a period of fifteen years from the commencement of this Constitution, the English language **shall** continue to be used for all the official purposes of the Union for which it was being used immediately before such commencement.

Furthermore, Article 346 decrees that 'the language for the time being authorised for use in the Union for official purposes shall be the official language for communication between one State and another State and between a State and the Union'. The *Official Language Act 1963* changed 'shall' to 'may':

> Notwithstanding the expiration of the period of fifteen years from the commencement of the Constitution, the English language **may**, as from the appointed day, continue to be used, in addition to Hindi, -- (a) For all the official purposes of the Union for which it was being used immediately before that day; and (b) For the transaction of business in Parliament (Dasgupta 1970: 236)

The change of 'shall' to 'may' had grave consequences on the political climate of the country. The non-Hindi speaking groups, primarily from Tamil Nadu, opposed the substitution of 'shall' with 'may'. They interpreted the use of 'may' as a concession to Hindi pressure, and as an evasion of responsibility on the part of the government to translate Jawaharlal Nehru's earlier informal assurance into 'positive legal terms' (Dasgupta 1970: 236). Their dissatisfaction was only (partially) mitigated by Nehru's personal assurances to the non-Hindi speaking groups that no injustice would be done to them irrespective of the vagueness in the language of the law (ibid.). However, this assurance was removed after the death of Nehru in 1964 (ibid.). In 1965, the year in which Hindi was supposed to replace English as the only official language of India, there were widespread riots, killings and suicides in Tamil Nadu. This crisis was resolved in 1967, as the use of English was allowed to continue (ibid.). That such a seemingly minor change could lead to loss of life and property is a striking example of the intertwining of language and power.

Despite the chequered history of policymaking in India, language policies in India cannot be considered entirely Hindi-centric. Indian statutes make room for regional or minority languages in different policy domains. The inclusion of minority languages in statutes is strengthened by the use of 'shall'. For example, civic registration in India has traditionally also taken minority languages into consideration, as demonstrated by the *Registration of Births and Deaths Act 1969* cited in the following:

> 16. Registrars to keep registers in the prescribed form—
> (1) Every Registrar **shall** keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.
> (2) The Chief Registrar **shall** cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms in the local language **shall** be posted in some conspicuous place on or near the outer door of the office of every Registrar (my emphasis)

The key difference between the legislation on civic registration in Wales and India is that the Indian legislation cited above does not stipulate that the Registrar has to know the local language. Moreover, the law on the use of Welsh was also contingent upon the condition that the informant had to be qualified, and be willing to register details in more than one language. Perhaps these conditions are not mentioned in the 1969 Act because the probability that the Registrar would use the same language as the informant would be much higher in India than in Wales.

Apart from administration, Indian language policies are also inclusive of minority language in other domains. For example, Article 9.4 of the *Standards of Weights and Measures (Packaged Commodities) Rules 1977* states the following:

> The particulars of declaration required to be specified under this rule on a package **shall** either be in Hindi in Devnagri script or in English: 'Provided that nothing contained in this sub-rule shall prevent the use of any other language in addition to Hindi or English language' (my emphasis)

The 1977 Rules are similar to the EU's directive on medicinal products for human use (see §2.4).[23] This uses a similar clause ('shall not prevent') to indirectly promote the use of the official languages of the Union. Therefore, although the primary focus in these cases is on Hindi or English or the official language of the EU member state in which the medicinal products would be used, these statutes also make room for the use of other languages. However, as discussed in §7.1, the contrastive use of 'shall' and 'shall not' also indicates power structures and hierarchy. While in the EU's case the preferred language is the language of the member state in which the medicinal products would be used, in India's case Hindi and English are clearly the dominant languages. Moreover, in the EU's case the agent who has the choice to determine language use is termed the 'competent authority', whereas in India's case the agent is not named.

[23] *Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use*.

Minority languages are accorded a subordinate role in the 1977 Rules perhaps because these rules belong to the business domain, which generally prefers English (and, depending on the case, the official language(s) of the country). In domains focusing on health and safety of people, the language preference changes. For example, Article 35 of the *Indian Electricity Rules 1956* makes the use of local languages mandatory:

> The owner of every medium, high and extra-high voltage installation **shall** affix permanently in a conspicuous position a danger notice in Hindi or English and the local language of the district, with a sign of skull and bones […] (my emphasis)

Hindi and English are the official languages of India, and the fact that one of them is considered optional for the purposes of the *Indian Electricity Rules 1956*, while the local language is made mandatory proves once again that power and ideologies are domain-bound phenomena, and therefore, susceptible to changes depending on the socio-political contexts of language use. The tendency to valorise regional or minority languages is also found in a number of other statutes. For example, Article 47 of the *Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Central Rules 1998* requires that 'the employer shall display and maintain suitable warning signs at conspicuous places at a building or other construction work in Hindi and in a local language understood by the majority of the building workers'. While the 1998 Rules omit English and select only Hindi and the local language, the combination of languages required by the *Contract Labour (Regulation and Abolition) Central Rules 1971* includes English, Hindi and the local language:

> Every contractor **shall** display an abstract of the Act and rules in English and Hindi and in the language spoken by the majority of workers […] (Art. 79; my emphasis)

As opposed to EU law, Indian statutes are consistent in their use of 'shall'. Particularly, the statutes pertaining to health and safety, and social welfare employ 'shall' vis-à-vis minority languages, which proves that their use in these domains is considered mandatory. In India, the language used in the legal domain may vary depending on the kind of court concerned. For example, the proceedings of the Supreme Court of India and High Courts are recorded in English, while courts at the lower level might use the local language. Special Courts may conduct their proceedings in English or Hindi or other languages depending on the case. For example, the *Debts Recovery Tribunal (Procedure) Rules 1993*, which concern cases related to recovery of debts due to banks and other financial institutions, decree that 'the proceedings of the Tribunal shall be conducted in English or Hindi', and 'no reference, application, representations,

documents or other matters contained in any language other than English or Hindi shall be accepted by the Tribunal, unless the same is accompanied by a true translation thereof in English or Hindi'. The 1993 Rules yet again verify the finding that power and ideology are domain-bound phenomena.

Statutes which use 'may' for minority languages are not as numerous as those using 'shall'. The modal 'may' is mostly used to indicate that a certain authority has the power to devise policies on language use. For example, the *Motor Vehicles Act 1988* employs 'may' to outline the power of the state governments:

> 96. Power of State Government to make rules for the purposes of this Chapter.—
> (1) A State Government **may** make rules for the purpose of carrying into effect the provisions of this Chapter.
> (2) Without prejudice to the generality of the foregoing power, rules under this section **may** be made with respect to […] (vi) the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed […] (my emphasis)

In a similar way, the *Cable Television Networks (Regulation) Act 1995* confers upon authorities the power to prohibit transmission of certain programmes in the public interest. Article 19 of the 1995 Act decrees that an authorised officer 'may' prohibit any cable operator from transmitting or re-transmitting any programme or channel if it is likely to promote – on grounds of religion, race, language, caste or community or any other ground – disharmony or hatred between different religious, racial, linguistic or regional groups or castes or communities. Both these statutes show that the verb 'may' is employed to bestow on the authorities concerned the power to determine language use. In some statutes, 'may' is used to express (i) contingencies and (ii) the empowerment of authorities to devise policies. The *Newspaper (Price and Page) Act 1956*, for example, addresses the contingencies of promotion of smaller and minority languages in the media, and the role of policymaking in dealing with this issue:

> 3. Power to regulate prices and pages of newspapers, etc.—
> (1) If the Central Government is of [the] opinion that for the purpose of preventing unfair competition among newspapers so that newspapers generally and in particular, newspapers with smaller resources and those published in Indian languages **may** have fuller opportunities of freedom of expression, it is necessary or expedient so to do, the Central Government **may**, from time to time […] make an order providing for the regulation of the prices charged for newspapers […]

The 1956 Act shows the differentiated use of 'may' within the same clause. While the first instance of 'may' in this clause uses it – to borrow Palmer's (2001: 25) term – in a

'speculative' manner, the second instance of 'may' adheres to its codified meaning in legal language. The use of 'may' in its 'speculative' sense features in a number of statutes, primarily through expressions such as 'as may be prescribed' (Art. 60 of *Mines Act 1952* or Art. 5 of *Press Council Act 1978*) or 'as may be specified' (Art. 12 of *Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979*). However, from a critical perspective, the more relevant finding is that the use of 'may' in the legislation on Indian language policies indicates who is empowered to undertake what actions related to language use.

The legislation on language policies in India also contains rare instances of the use of 'will'. For example, the *National Highways Act 1956* stipulates that, if the government intends to acquire a certain piece of land for the construction of highways, then it will declare its intention through a notification in its official gazette. Article 3 of the 1956 Act decrees that 'the competent authority **shall** cause the substance of the notification to be published in two local newspapers, one of which **will** be in a vernacular language' (my emphasis). The use of 'will' stands for future-time reference, and contrasts with 'shall' which declares that the authorities concerned are required to publicise the notification. One can question the purpose of 'will' in this clause. If it were to be replaced by 'may', then the condition to publish notification in a regional language could be rescinded, and if it were to be replaced by 'shall', then that would express a greater sense of obligation than 'will'. As the contingency is eliminated through the absence of 'may', I argue that 'will' should be read as a deontic modal verb here. Generally, the use of 'will' instead of 'shall' in clauses that require obligation would be interpreted as an inconsistent use of modal verbs. However, in view of the fact that the frequency of such unconventional use is rare in Indian statutes, I see it as an anomaly.

The final point concerns the subversion of deonticity, also discussed in the previous sections. Article 2 of the *Prasar Bharati (Broadcasting Corporation of India) Act 1990* decrees that the corporation 'shall' be guided by the objective of 'providing adequate coverage to the diverse cultures and languages of the various regions of the country by broadcasting appropriate programmes' and 'promoting national integration by broadcasting in a manner that facilitates communication in the languages in India'. The content of this Article may appear more specific than that of the statutes discussed in the previous sections (e.g. *Rights of Children and Young Persons (Wales) Measure 2011* or

Treaty on the Functioning of the EU) in the sense that it makes the objective clear (i.e. giving coverage to diverse cultures and languages). However, at the same time, it is not precise, as it does not elucidate what qualifies as 'adequate coverage' or 'broadcasting in a manner that facilitates communication in the languages in India'. In view of the imprecise nature of the clause, it should be seen as a partial subversion of the deontic value of 'shall'.

5.5 Conclusion

In common with the Wales chapter, one of the main contributions of this chapter to the thesis is to highlight the importance of texts in language policy research. That a seemingly minor change in the use of modal verbs (from 'may' to 'shall') can cause political turmoil demonstrates that texts are as crucial as contexts in shaping policies. Second, the chapter adds to the comparative framework of this thesis by confirming the findings from previous chapters. In common with the previous chapters, this chapter also highlights the role of categories in language policies. The categories in India's case are 'Eighth Schedule' (ES) and 'Classical Languages'. These categories emerge from different power constellations, and lead to unequal distribution of funding, as the financial support for ES and Classical Languages is significantly larger than the support for minority languages.

The investigation of Luxembourg's policies revealed that policy faces the challenge of striking a balance between the needs and interests of different groups. In common with Luxembourg, India's language policies have also faced the challenge of striking a balance between nationalistic aspiration and their pragmatic realisation (cf. Lerner 2016). The accusation of 'cultural imperialism' needs to be treated with a more nuanced approach because the structure of Indian language policies is not entirely deterministic. The policymakers postponed the critical issue of a 'national language' for 15 years after independence, which was a well-planned decision given those years were crucial for nation-building, and as the riots in Tamil Nadu threatened the political integrity of the country, a compromise was reached between the Hindi- and non-Hindi-speaking states. In this sense, the contribution of this chapter is to show that language policies can be organic, which means that they are dynamic and emerge from interactions between stakeholders at different levels. The ongoing efforts of speakers of different languages for inclusion into the Eighth Schedule reveals that language policies must be seen as a process.

This chapter underscores the finding that the dominance of languages is domain-specific. The dominant language ideology undoubtedly influences the policies in these polities, but the needs of the people are also taken into account. The administrative domain promotes mainly Hindi and English, and in certain cases, such as the *Registration of Births and Deaths Act 1969*, also local languages, while the legal domain is dominated by English. While the dominance of languages in the business domain is varied, the domains of healthcare and social welfare are more likely to favour local languages. The Indian Constitution makes substantial provisions for the promotion of minority languages in the educational domain (Art. 29.2, Art. 30, Art. 350a). However, the three-language formula (TLF) which is the de facto official language-in-education policy despite being legally non-binding has pushed for the promotion of Hindi in schools. English has maintained a strong position in the educational domain, partly because of government policy, and partly because of its greater value in the global economy. Sanskrit is favoured as the third language of the TLF in the Hindi-speaking states, perhaps because Sanskrit is seen as being inherently tied to India's cultural history. The focus on Hindi and Sanskrit can be construed as a 'nationalistic concern' for the creation of a composite culture which is also evident in media-related statutes such as the *Prasar Bharati (Broadcasting Corporation of India) Act 1990*. However, as discussed above, the implementation of nationalistic concern has depended on the power of different actors (i.e. speakers of other languages) to influence policymaking.

Chapter 6
Language Policies in Manipur
6.1 Introduction

The previous chapters have shown the use of different categories such as 'national-official', 'national-administrative' or 'scheduled and non-scheduled languages' to differentiate between languages for policymaking purposes. In Tollefson's (1991, 2015) framework, such categories can be seen as the 'structural factors' which shape language policies. As with Luxembourg, these categories assume an essentialist nature in Manipur. Policymakers and grassroots-level actors treat these categories as essentialist even if they are socially constructed. For example, the policies are underpinned by the 'hills-valley divide' which means that the people living in the valley are generally favoured by the policies as compared to those living in the hills. According to McDuie-Ra (2014), such categories are 'colonial classifications', but are treated as 'real' by the different actors involved in Manipur's policymaking.[1] I call such categories, which focus on difference and shape language policies, 'categories of differentiation' (COD). This chapter investigates the historical factors behind these categories and their intertwining with power structures, and examines the extent to which they influence the domain-specific character of language policies.

6.1.1 Outline

Manipur is a state located in the north-eastern part of India. The royal chronicles of Manipur mention a long history of the Kingdom of Manipur encompassing a period of around two thousand years (Roy 1999: 13). The Kingdom of Manipur came under British Rule as a Princely State after the Anglo-Manipuri War of 1891 (GOM 2012). After the independence of India in 1947, the Princely State of Manipur was merged into the Indian Union on 15 October 1949 (ibid.). It held the status of a 'union territory' until 20 January 1972, after which it became a 'state' which meant that it got its own elected government and was no longer directly ruled by the central government (ibid.). The total area of Manipur is 22,327 km^2, of which 2,238 km^2 belong to the Imphal valley, while the remaining areas are hilly tracts (ibid.). The population of Manipur is approximately 2.8 million, and consists of several ethnic groups.[2] The three major

[1] I interpret the term 'colonial classifications' as the forms of knowledge created under British rule to classify the colonised groups into certain categories. These categories served as the epistemological basis upon which the functioning of the colonial apparatus was based.

[2] It is common in research and government documents to use the term 'ethnic groups' to differentiate between the different communities of Manipur. 'Ethnicity' is a problematic concept, primarily because it is not easy to define. McDuie-Ra (2014: 376) views 'ethnicity' as a socially constructed concept, and

ethnic groups in Manipur are (a) the Meiteis, (b) the Nagas, and (c) the Kukis (also called 'Kuki-Chin') (GOI 2015). Naga and Kuki serve as umbrella groups for the different tribal communities.[3] According to McDuie-Ra (2014: 376), Naga and Kuki are 'composite ethnic groups devised during the colonial era, and yet as modern classifications they are central to the ways Manipur is governed'. There is also a community of Manipuri Muslims known as Meitei-Pangals, which descended from marriages between locals and captives of the Manipuri court in the seventeenth century (McDuie-Ra 2014: 377).



Fig. 17. Map of Manipur (MOI 2018)

The autochthonous languages of Manipur belong to the Tibeto-Burman language family. The Meitei language, which is the first language of the Meitei people, is the official state language of Manipur and also one of the official languages of India. Meitei is the only Tibeto-Burman language to be recognised as one of the official languages of India.[4] According to the 2001 Census, the total number of speakers of Meitei was 1,466,705, which makes it the dominant language in Manipur (ORGCC 2001). Meitei is also known as 'Meiteilon' or 'Manipuri'. 'Meiteilon' is a Meitei word which means 'the language of Meitei'. 'Manipuri' can also mean 'of Manipur', which makes this term problematic because Meitei is not the only language spoken in Manipur. Manipur is home to numerous other languages, commonly known as 'tribal languages' because

argues that the colonial classifications of 'ethnicity' have become internalised and politicised in the articulation of difference at the local level in the North-East India.

[3] 'Tribe' is yet another problematic concept which is difficult to define. There is no definition for 'tribe' in the COI.

[4] Bodo is also an official language of India, but it belongs to the Sino-Tibetan family.

they are spoken by the different tribal communities. In this sense, the use of the term 'Manipuri' to refer to Meitei can be seen as an example of the dominance of the latter over other languages of the state.

The term 'tribal languages' has been problematised in the research literature because it carries negative connotations. As discussed in §5.3.4, the terms 'tribe' and 'tribal' have not been directly defined in the COI.[5] The term commonly used in the Indian Constitution is 'Scheduled Tribe(s)' (STs), which are described as the 'weaker sections of the people' (Art. 46, COI). The decision on whether a certain group can be classified as 'ST' is taken by the President of India. Article 342 of the COI authorises the President of India to 'specify the tribes or tribal communities or parts of or groups within tribes or tribal communities' which can be 'deemed to be Scheduled Tribes'. As far as the use of the term 'tribal language(s)' in linguistics is concerned, Annamalai (1997: 15-16) posits that there is no linguistic definition of this term. 'In the popular and bureaucratic world view', as Annamalai (ibid.) observes, 'a tribal language is perceived as a speech without grammar' and as devoid of 'a system'. The 'absurdity of this view' is obvious to any linguist who has attempted to describe a tribal language because without being a system shared between speakers, communication through a language is not possible at all (ibid.).

Despite these ambiguities, the concepts 'tribe' and 'tribal languages' are central to how different communities view themselves and others in Manipur. There is a clear divide between Meitei, who are Hindus and not considered tribal, and the different scheduled tribes, who are largely Christian. McDuie-Ra (2014: 376) views 'tribe' as a 'colonial category', and argues that 'as members of a fairly consolidated kingdom practising settled wet-rice agriculture at the time of British expansion, the Meitei were distinguished from the hill-dwelling communities ('backward tribes') practising shifting cultivation'. In recent years, the Meitei community has campaigned for 'Scheduled Tribe' status, which has been opposed by the current ST communities (NET 2017). According to the 2011 Census, there are 34 Scheduled Tribes in Manipur: Aimol, Anal, Angami, Chiru, Chothe, Gangte, Hmar, Kabui (Inpui, Rongmei), Kacha Naga (Liangmai, Zeme), Koirao/Thangal, Koireng, Kom, Lamgang, Mao, Maram, Maring,

[5] According to Behura (1996: 1), the Hindi-language term 'Adivasi' ('Adi' means 'oldest' and 'vasi' means 'inhabitant') is commonly used to designate these communities because they are presumed to constitute the oldest ethnological segment of Indian society.

‘any Mizo (Lushai) tribe’, Monsang, Moyon, Paite, Purum, Ralte, Sema, Simte, Suhte, Tangkhul, Thadou, Vaiphei, Zou, Poumai Naga, Tarao, Kharam, ‘any Kuki tribes’, and Ma.[6] These tribal communities have traditionally resided in the hilly areas of Manipur, while the valley area is home to the Meitei community, which forms the majority population in the state (Mao 2016: xxxiii).[7]

The ‘hills-valley’ distinction is crucial to understanding the language hierarchies in Manipur. Jilangamba (2015: 277) observes that ‘in contemporary socio-political vocabulary, the hills and the valley have taken on a set of new meanings’, as ‘the valley is synonymous with the seat of power of the Meiteis, representing a source of both historical and contemporary oppression and injustice for the hill peoples—the Nagas and the Kukis (also referred to as Chin and Zo)’ (ibid.). The poor condition of health, education, infrastructure, electricity, and transport in the hill districts is seen as a ‘manifestation of continuing domination’ by the majority Meiteis (ibid.). As a result, there are political demands for the Naga-inhabited areas of Manipur to be included in a larger Naga homeland (ibid.). Similarly, there are demands for a politically autonomous territory for the Kukis (ibid.). The government of Manipur is often referred to as a ‘communal government’ that serves only the interests of the Meitei population (ibid.). Jilangamba (ibid.) notes that the strong intertwining of ethnicity and territory in Manipur has created an ‘ethno-territorial binary’.

The ‘ethno-territorial binary’ poses some challenging questions. Manipur was chosen as a case study on the basis that it exhibited minimum deviation from the language policy prescribed by the central government: On the one hand, the statistics discussed in §1.6.2 show that Manipur exhibits closest adherence to the policies prescribed by the central government; on the other hand, the research literature draws attention towards an ‘ethno-territorial binary’ which is shaped by power structures. In view of this contradiction, it is important to examine how language policy relates to power structures in Manipur. The first question ‘which languages are promoted at the expense of others?’ has already been answered to a certain extent, as Meitei has been chosen as the official

[6] There are two issues related to this list. First, while certain communities such as Kabui, Inpui, Rongmei have been grouped together, these groups are sometimes seen as distinct from each other. Second, the use of the expressions ‘any Kuki tribe’ or ‘any Mizo tribe’ is not explained. Perhaps, it means any community which identifies itself as ‘Kuki’ or ‘Mizo’. See GOI 2018b.

[7] Generally, each tribe claims to have its own language, and there are cases in which languages of two tribes are mutually intelligible. See §6.1.3 for details.

language of the state. What needs to be answered, however, is whether the official recognition of only one language in Manipur also implies the promotion of only one language (i.e. Meitei). In view of my hypothesis that language policies have a domain-specific character, in this chapter I investigate whether Meitei is the only language that is promoted across different policy domains or whether the 'tribal languages' are also considered by the Manipuri policymakers while devising policies. Second, in order to understand the role of power in policymaking and implementation, I examine the historical-structural factors that led to Meitei becoming the dominant language in Manipur, and the historical construction of the 'hills-valley binary'.

6.1.2 Meitei: The official language

Meitei is spoken in Manipur as a first language in the plain valley region, and as a second language in the hills (Aggarwal 1992: 26). Moreover, it is also spoken in a number of other states such as Assam, Tripura, and Mizoram, and the neighbouring countries Bangladesh and Myanmar (Haokip 2011b: 89). Meitei serves as the main medium of communication between the different tribes of Manipur because, as Shimray (2000) points out, the languages spoken by different ethnic groups are mostly not mutually intelligible. Manipuri is also used as a medium of instruction in schools (Singh 1995). Meitei is the only Tibeto-Burman language to have its own script which is known as 'Meetei Mayek' (Devi 2002: 4). Meitei Mayek was used until the eighteenth century before it was replaced by the Bengali script (Haokip 2011b: 90). The Manipur government has been making efforts to revive this script through 'systematic and large scale transcription of all available Manipuri books, records, periodicals, [and] papers […] into Meetei Mayek' (GOM 2013).

Meitei was first introduced in schools as a 'vernacular language' up to High School Leaving Certificate Level in 1924 according to a notification published in the Calcutta Gazette which permitted the candidates to 'appear in Manipuri as one of their Vernacular Compositions and as a Vernacular for translation into English' (GOB 1924: 627). In 1927, it was added by Calcutta University to the list of languages one could choose for High School Leaving Certificate examinations (GOB 1927: 827). In 1949, it was recognised as a modern Indian language for BA level examinations (Singha 2014: 18), and in 1976, it was introduced as a medium of instruction up to High School

Leaving Certificate level (ibid.). Today, it is taught as a subject up to post-graduate level (MA, MPhil, and PhD) in various Indian universities (ibid.).

Meitei was recognised as the official state language in 1979, and as an official language of India in 1992 after being included in the Eighth Schedule of the COI. In commemoration of the inclusion of Meitei in the Eighth Schedule, the Manipur government celebrates Manipuri Language Day each year on 20 August (Sangai Express 2017a). Recently, the state government has been taking a number of measures to promote Meitei. In 2013, it established a separate directorate for the Meitei language called the Directorate of Language Planning and Implementation (DLPI) (Nagaland Post 2013). DLPI regularly organises workshops on different topics related to Meitei. For example, in 2014, it organised a 10-day workshop on the possibilities of developing terminologies in Meitei for publication of the textbooks concerning subjects such as physics, economics, and geography for up to university level education (Hueiyen Lanpao 2014a). The DLPI has continued to promote Meitei through different workshops and programmes for learners and teachers alike.[8]

6.1.3 Non-official languages

The languages which have not been formally recognised as 'official' either by central- or state-level administration are mostly the languages spoken by the different tribal communities. It is hard to determine the exact number of these languages (and their speakers) because of what Mao (2016: xxxiii) terms 'unparalleled linguistic variation'. According to Haokip (2011a: 6), 'the languages of the North-East cannot be counted primarily because the region is linguistically unexplored and knowledge about them is too scanty'. The key problem here is the complex intertwining of 'language' and 'tribe', as 'many North-Easterners do not differentiate between language and tribe' (ibid.). The tribal communities assume that each tribe has its own language, and each language is presumed to be spoken by just one tribe (ibid.). This reason behind this assumption is that traditionally tribes and languages are called by the same name (ibid.). For example, Angami is spoken by the Angami tribe, Garo is spoken by the Garo tribe, Khasi is spoken by the Khasi tribe, Mizo is spoken by the Mizo tribe and the same goes for a large number of other languages spoken in the North-East (ibid.).[9] According to the

[8] In 2017, the DLPI organised an orientation programme for college teachers who teach Meitei (Kangla Online 2017).

[9] There are some exceptions to the tradition of naming a language according to each tribe. In North-East India, many people speak language(s) to which they may or may not have tribal membership (Haokip 2011a: 6). For example, the Rabha people living in the low country just north of the Garo Hills, between

PLSI, there are 25 'non-scheduled' (legal parlance for 'non-official') languages in Manipur (Table 19). It should be noted that the number of languages listed in Table 19 is fewer than the number of Manipur's tribes recognised as 'ST' by the Indian government:

	Language	Speakers	Source
1	Aimol	2,529	ORGCC (2001)
2	Anal	23,191	”
3	Chiru	5,622	”
4	Chothe	2,762	”
5	Gangte	14,500	”
6	Hmar	83,404	”
7	Inpui	2,386	”
8	Kharam	1,750	Lawrence (2016)
9	Koireng	1,410	ORGCC 2001
10	Kom	15,467	”
11	Lamkang	10,000	Khular/Khular (2016)
12	Liangmai	34,232 (Manipur) 2,315 (Nagaland)	ORGCC 2001
13	Mao	77,810	Census 1991 (cf. Mallikarjuna 2001)
14	Maram	37,340	ORGCC (2001)
15	Monsang	2,439	Wanglar (2016)
16	Moyon	2,970	ORGCC (2001)
17	Poumai	151,005 (Manipur & Nagaland)	”
18	Rongmei	94,758	”
19	Tangkhul	142,305	”
20	Tarao	870	Simons/Fennig (2018b)
21	Tedim Chin	Not specified	Mao (2016)
22	Thadou	190,595	”
23	Thangal	2348	”
24	Vaiphei	39673	”
25	Zou	20857	”

Table 19. Languages spoken by different STs in Manipur

There are three key problems with the statistics presented in Table 19. First, the figures for certain languages are far from exact. For example, the data for Monsang is not based on an official census of the state or the central government, but rather on a survey conducted by the Monsang Tribe Union in 2009, and it is difficult to assess the objectivity of such surveys (Wanglar 2016: 254). The second problem is the issue of distinguishing between 'languages' and 'dialects'. According to Haokip (2011b: 87), most of the mutually intelligible 'dialects' of the Kuki-Chin language family, namely Thadou, Paite, Vaiphei, Simte, Gangte and Zou, are classified as distinct 'languages' because the COI recognises them as different Scheduled Tribes. Conversely, the

the hills and the Brahmaputra river are bilingual and are able to use both Assamese (Indic) and their own Rabha (Tibeto-Burman). At the same time, there are people who identify themselves as 'Rabha' but speak only Assamese (ibid.).

mutually unintelligible speech forms of Tangkhul are classified as a single language because the COI does not recognise them as separate languages/tribes (Haokip 2011b: 87-88). The third problem concerns the 'constant shifts in ethnic loyalty' (Haokip 2011: 88). An example of such shifts is that groups such as Aimol, Anal, Maring, Mayon, Monsang, Lamgang, Chothe, Chiru and Kom, which identified themselves as 'Kuki' in the past, now see themselves as 'Naga', with whom – as Haokip (2011b: 89) argues – they share no linguistic affinity. Although Haokip (2011b) does not offer any reasons for the shifts in loyalties, he mentions that during the Kuki-Naga clash, only the Thadou speakers fought against the Naga, and 'other Kuki-Chin speaking groups shied away from the clash and were afraid to declare themselves as Kukis for fear that the Naga might attack them'.

The languages listed above are not recognised as official perhaps because they are – in terms of number of speakers – not strong enough to influence the political process. With the exception of Poumai, Tangkhul and Thadou, none of the languages mentioned in Table 19 has more than 100,000 speakers. It must also be kept in mind that traditionally the central government does not recognise languages which have fewer than 10,000 speakers when conducting the census, and puts them into the category 'others' (MHRD 2016). Of late, the central government has started to acknowledge some of these minority languages through the 'Bharatavani' project (see §5.3.2). Despite the fact that Manipur's minority languages are not recognised as 'official' by the central or state government, some of them are included and promoted in domains such as the media or education. These policies are discussed in §6.3. The next section discusses the historical and socio-political contexts in order to offer a better picture of the selective promotion of languages in Manipur.

6.2 Historical-Structural Factors

6.2.1 Advent of Hinduism and Christianity

Viewed from the perspective of language policy research, one of the most crucial moments of Manipur's history was the advent of Hinduism (more specifically Vaishnavism) and Christianity. As mentioned earlier, the Meitei community, which is the dominant group in Manipur, adheres to Hinduism, while the ST communities largely follow Christianity. This religious binary adds another dimension to the 'hills–valley' divide (§6.1). Religion is a factor that unites the different ST groups. The unity,

however, is fragile because the different tribes follow different sects of Christianity, largely based on a 'one village – one denomination' model, and there have been cases in which practitioners of one Christian sect refuse burial to followers of other Christian sects.[10]

According to Kabui (1991: 265), Hinduism started gaining a firm footing in Manipur after the arrival of Brahmins who were fleeing the persecution of the Hindus by the Mughal king Aurangzeb (1618-1707). Manipur had already come into contact with Hinduism in the form of worship of Vishnu since the middle of the fifteenth century (ibid.).[11] Royal patronage was given to the worship of Vishnu by successive rulers, but the Brahmins who migrated to Manipur did more for the spread of Hinduism in this hill state (ibid.). The first Meitei king who converted to Vaishnavism was King Charairongba in 1704 AD (ibid.) The chronicle records that despite his conversion to Hinduism, he could not totally make a break from the traditional Meitei religion, Sanamahism (ibid.). The main impetus to Hinduism was given by his son Gharib Niwaz (1690-1751), originally known as Meidingu Pamheiba, who made Hinduism the official religion of his kingdom in 1717 (ibid.). Gariba Niwaz's reign of forty years marked the 'zenith of Manipur is all aspects: religious reform, military conquest, cultural and literary achievement and a sound economy' (ibid.). It was also during his term that the Meitei script was replaced with Bengali (Singha 2014: 42). The cultural contact with the 'Hindu world of India' was established during his reign (Kabui 1991: 258). Pilgrimages to Hindu holy places started to take place (ibid.). However, Sanamahism, the traditional religion, was so strong that Vaishnavism could not completely replace it, and over time these two religions were syncretised (ibid.). Gharib Niwaz's son Chit Shai (1748-52) tried to revive Sanamahism by persecuting the Hindu converts, but he could not succeed in eliminating Hinduism from Manipur (Kabui 1991: 265).

According to the 2011 census, 41.39% of Manipur's population practices Hinduism. It used to be the most widely practiced religion in Manipur, however due to the rapid conversion of different communities by missionaries, Christianity (41.29%) has become

[10] In August 2017, a 42-year old woman named Rita Haorei was refused burial for a month by her Baptist Christian-dominated village that excommunicated her family in 2010 for converting to Catholicism (Karmakar/Samom 2017).

[11] Vishnu is one of the most important deities in Hinduism. The group or sect dedicated to the worship of Vishnu are called 'Vaishnavite(s)'. Vishnu has ten incarnations, the most important of which are Rama and Krishna. The sect which became popular in Manipur was dedicated to the worship of Rama. See Lochtefeld (2002: 759).

almost equal to Hinduism in terms of number of followers (Census 2011a).[12] According to Phanjoubam (2005: 275), conversion to Christianity amongst the Meiteis is on the increase, causing resentment among the Meiteis opposed to conversions. Conversions are, however, not the only reason for religious conflicts between Hindus and Christians. Phanjoubam (2010: 12) argues that, after converting to Hinduism in the early nineteenth century, the Meiteis 'imported a caste system in which the hill tribes were treated as outcastes, leaving deep scars amongst the hill communities'. According to Sharma (2016: 10), discrimination under the influence of a conservative and orthodox Hindu Vaishnava institution called Brahma Sabha led to 'the beginning of the emotional alienation of the hill people from the Meitei people'. Therefore, it can be concluded that the 'hills-valley divide' is further entrenched by religious differences, and the language question in Manipur is also related to the issue of religion in Manipur.

6.2.2 Language conflicts

One of the ways of understanding how the 'hill-valley divide' influences language policy in Manipur is to examine which languages are recognised as official. As mentioned in §6.1.2, the official language of Manipur is Meitei. Moreover, it is also one of the official languages of India (MHRD 2016). Its recognition at the national level, which came through the *Constitution Seventy-First Amendment Act 1992*, was a result of a language movement spanning decades (Singha 2014). The first step towards the achievement of national-level recognition was getting recognition at state-level. On 15 April 1977, the *Manipur Official Language Bill* was introduced in the State Assembly, moving the house to make Manipuri the official language of the state (Aggarwal 1992: 28). Earlier, in 1972, such a bill had been introduced in the Legislative Assembly, but it could not be passed because 'the tribal [Members of the Legislative Assembly] felt that the Manipuri language was being imposed on the hill people' (ibid.). However, in 1977, most of the members of the Legislative Assembly supported the bill, particularly because the Chief Minister 'gave the assurance for full protection and development of tribal dialects in the State' (ibid.). The Chief Minister also felt that 'this resolution by the House [Assembly] would greatly strengthen the cause for inclusion of Manipuri in the Eighth Schedule' (ibid.). Meitei was made the official language of Manipur through the *Manipur Official Language Act 1979*. After years of campaigning by different political parties, and intensive volunteering activity, protests, and mass mobilisation by

[12] In 1901 only 8% of the population followed Christianity in Manipur, rising to 34% by 1991 (Das 2011: 2).

non-governmental organisations such as the Manipuri Language Demand Co-ordination Committee, it was recognised as one of the official languages of India through the *Constitution (Seventy-first Amendment) Act 1992*.

As far as the issue of promotion of languages is concerned, the 'hills-valley divide' is not static, but subject to contestations and change. Shimray (2000: 3008) uses the expression 'tug of war' to describe the interaction between Manipur's different language communities on the issue of language policy. The 'tug of war' primarily exists between Meitei on the one side and the 'tribal languages' on the other. Shimray (ibid.) notes that language-related conflicts in Manipur began during the 1980s when the state government tried to introduce Meitei as a compulsory subject in schools at secondary level (ibid.). The compulsory teaching of Meitei in schools started only in the 1980s because Meitei was declared the official state language in 1979. Moreover, the recognition of Meitei as one of the official languages of India was followed by the decision of the Union Public Service Commission, in charge of conducting examinations for selection of candidates to the national-level civil service, to make knowledge of Meitei compulsory for candidates from Manipur (ibid.).

These policies were resisted by speakers of minority languages because it would have given Meitei-speakers an edge over speakers of minority languages. If these policies had been implemented, then the chances of Meitei speakers getting civil service points and better grades in schools would have been higher. For example, the decision to make Meitei compulsory for candidates from Manipur was prevented by an interim order of the Gauhati High Court (ibid.). Moreover, Manipur's state government made Meitei an optional subject for pupils belonging to Scheduled Tribes, and allowed them to opt for either English or one of the minority languages instead of Meitei (ibid.). The representation in the school syllabus of the languages used in the hills shows that the dominance of the valley is not absolute. At the same time, it is important to note that only eight of the 25 non-official languages are offered in schools which shows that even within minority languages some are more dominant than others (see Tables 19 and 22).

6.2.3 Insurgency and secessionist movements

So far, I have only discussed the intra-state problems of Manipur. In this section, I discuss how the different communities of Manipur perceive their relationship with the

Indian state. Manipur came under British colonial rule in 1891, and was merged into the Indian union after the independence of India in 1947. The different ethnic groups Meitei, Naga, and Kuki have been engaged in violent and non-violent movements to seek independence from India. The Meitei insurgents' prime objective is to free their pre-British territorial boundary from – in the words of Das (2011: 7) – 'Indian occupation'. The Naga insurgents of Manipur support the demand of sovereign 'Nagalim' (Greater Nagaland) comprising of Nagaland along with the Naga majority areas of Manipur, Assam, Arunachal Pradesh and Myanmar (Das 2011: 7). Lastly, the Kukis support the demand for a separate Kukiland, for which the Kukis of Myanmar are also fighting (ibid.). The armed conflicts in Manipur have resulted in political instability, and in order to counter the threat of secession, the Indian government has given its armed forces special powers (such as arresting suspects without a warrant) and legal immunity through the *Armed Forces (Special Powers) Act 1958* (McDuie-Ra 2014: 378). Due to several cases of human rights abuses, the 1958 Act has been lifted, however parts of Manipur continue to have a strong military presence (ibid.). The violation of human rights by armed forces has contributed to hostility towards India by a large number of Manipuris (McDuie-Ra 2014; Sharma 2016).

McDuie-Ra (2014: 378) notes that the volatility created by struggles both against India and among Manipur's main ethnic groups has had a 'deleterious' impact on the economy. Jobs are difficult to find, and the lack of employment has created a large Manipuri diaspora in other parts of India – especially Delhi, Hyderabad, Kolkata, Bangalore and Mumbai – working in retail, hospitality, and call centre industries (ibid.). People from the North-Eastern states (including Manipur) are subjected to discrimination in other parts of the country because of their 'physical appearance'.[13] In a survey conducted by an NGO called the Reach Out Foundation, 54% of the respondents, who were originally from one of the North-Eastern states and living in Delhi, stated that they 'felt discriminated' against in Delhi, and 67% of these respondents said that the discrimination was of an 'ethnic/racial' nature (Reachout Foundation 2014: 14-15). Discrimination and violation of human rights are intertwined with anti-India attitudes (and concomitantly anti-Hindi attitudes) among a section of

[13] The literature, irrespective of whether written by Manipuri or non-Manipuri authors, is replete with expressions that would be considered objectionable or racist today. For example, Kabui (1991: 15) says that the Meiteis, the Nagas and the Kukis are 'predominantly mongoloid, with strains of other non-Mongoloid elements'.

Manipuris. A telling example of the anti-Hindi attitude would be the ban on the screening of Hindi movies in Manipur's theatres by the Revolutionary People's Front, a separatist organisation (Bhaumik 2000). The ban on a certain kind of business by a non-state actor is illegal, and the lack of willingness or ability (or both) on the part of the state to counteract such illegal measures leads to two important conclusions. First, just as in the case of the EU, there are multiple constellations of power. However, while in the case of the EU, it is a central authority that creates these constellations and uses them as a covert mechanism to promote its ideology, in Manipur these power constellations co-exist. Second, the interference by the non-state actor Revolutionary People's Front in policymaking indicates the limitations of the existing functionalist approaches to language policies because they implicitly assume that policies are formulated within frameworks of stable democratic processes. Comparative research, on the other hand, shows that language policies can exist independently of stable democratic frameworks.

6.3 Language Policies

6.3.1 Administration

While the historical-structural factors are marked by binaries such as 'hills-valley', 'tribal/non-tribal', 'Hindu-Christian', the policy texts in Manipur operate using their own categories of differentiation. The statutes concerning government positions employ the categories 'essential' and 'desirable' to refer to different languages, knowledge of which is required for selection of candidates for these positions. The use of these categories resembles Luxembourg's statutes, which ask for different combinations of language skills depending on whether a government job is higher- or lower-ranking (see §3.3.1). For positions such as 'computer operator' at the Department of Education[14] or 'machine man' at the Directorate of Printing and Stationary,[15] knowledge of Meitei and Hindi is 'desirable'. However, for a higher-ranking position such as the Inspector of Cooperative Societies at the Department of Cooperation, knowledge of Meitei is 'essential'.[16] Conversely, a similar level position at a different department may have different requirements: in order to become an Inspector at the Department of Tribal Development, knowledge of Meitei is 'essential', while knowledge of Hindi is

[14] *Manipur Computer Operator Recruitment Rules (Department of Higher Education) 2012*.
[15] *Manipur (Machine man) Recruitment Rules (Directorate of Printing and Stationary) 2013*.
[16] *Manipur [Inspector Cooperative Societies] Recruitment Rules (Department of Cooperation) 2011*.

'desirable'.[17] At the same department, however, knowledge of both these languages is deemed 'desirable' for lower-ranking positions such as Sub-Inspector.[18] It is interesting to note that the positions offered by a department concerned with the development of tribal communities do not require the knowledge of any 'tribal languages', either as 'desirable' or 'essential'. The different sets of language requirements for higher- and lower-ranked positions can be interpreted as a language hierarchy, in which Meitei is at the top, and 'tribal languages' are at the bottom, while Hindi lies in the middle.

The absence of minority languages in administration-related vacancies shows that none of them is dominant enough to influence policymaking. Similarly, Hindi is not important except in rare cases such as the position of Station Officer at the Department of Fire Services, for which knowledge of Hindi – along with English – is considered an 'essential' skill.[19] Meitei is generally the dominant language in administration except in civil service examinations, the highest level of administrative jobs, for which English is the most important language. Admission to the Manipur Civil Service is secured through competitive examinations which consist of a preliminary examination, a main examination and an interview. According to the *Manipur Civil Services Combined Competitive Examination Rules 2010*, the main examination consists of three parts: (a) Part I (General English, 300 marks), (b) Part II (General Knowledge, 300 marks), and (c) Part III (two more subjects which can be chosen from a list of 21 subjects). Each subject listed in Part III consists of two papers, and candidates can score a maximum of 300 marks in each paper. The dominance of English is underscored by the fact that – apart from being a mandatory Part I subject – it can also be chosen as an optional subject (Part III), and candidates have the opportunity to score 900 (out of a total of 1800 marks for the written examinations) in English. On the other hand, in Meitei and Hindi, which belong to the list of optional subjects, candidates can only score a maximum of 600 marks. Finally, in non-language papers, the questions must be answered in English, which once again underlines the dominance of English in high-ranking administrative positions.

[17] *Manipur Inspector (Statistics) Recruitment Rules (Department of Tribal Development) 2012*.
[18] *Manipur Sub-Inspector (Statistics) Recruitment Rules (Department of Development of Tribals & Scheduled Castes) 2012*.
[19] *Manipur Station Officer Recruitment Rules (Department of Fire Services) 2012*.

6.3.2 Legal safeguards for minority languages

Statutes aimed at the promotion of minority languages in Manipur are hard to find. Unlike the *Manipur Official Languages Act 1979*, there are no statutes that focus on minority languages. Despite the lack of legislation focused on minority languages the state government has taken some measures to promote them. In 1987, Manipur's state government established a 'Tribal Research Institute' (TRI) with the aim of promoting 'tribal languages' (GOM 2018). The main functions of the TRI include the development of languages and literature (through the publication of books and grammars), the recording and preservation of folk literature, and the documentation of the ethnographic profiles of the different tribal communities of the State (ibid.). However, according to Ragongning Gangmei, Chairman of the Council of Tribal Languages and Literature Societies (Manipur), the allocation of funds for the promotion of minority languages has remained minimal (Gangmei 2017). Moreover, student organisations such as the Maram Students' Union have criticised the state government's policy to invest in English, Hindi and Meitei, while ignoring the minority languages (Hueiyen Lanpao 2014b). In 2014, the state government organised its first 'Tribal Languages Day' (Sangai Express 2014). However, the neglect of minority languages is evidenced by the fact that it took the government three years to organise the Second Tribal Languages Day, while the Manipuri Language Day has been celebrated every year since 1992 (Sangai Express 2017b).

6.3.3 Law

The legal domain in Manipur is dominated by Meitei and English. As far as jurisdictions by village authorities are concerned, Meitei is the only option: Art. 56 of the *Manipur (Village Authorities in Hill Areas) Act 1956* states 'all the proceedings before a village court shall be in Manipuri'. However, for legal proceedings in other kinds of civil courts such as the High Court or the District Court, either Meitei or English can be used, as Art. 58 of the *Manipur State Constitution Act 1947* decrees that 'the Court language of the State shall be Manipuri or English'.

6.3.4 Education

Schooling in Manipur is divided into the following three levels: primary (Grades 1-5, years 6-10), secondary (Grades 6-10; years 11-15), and higher secondary (Grades 11-12; years 16-17). The syllabus of the primary and secondary level is determined by the

Board of Secondary Education, Manipur (BSEM), while the syllabus of the higher secondary level is decided by the Council of Higher Secondary Education of Manipur (COHSEM). Schools offer either Meitei, Hindi, one of the eight recognised 'tribal' languages (Hmar, Kom, Mao, Rongmei, Tangkhul, Thadou-Kuki, Vaiphei and Zou) or a major Indian language (Assamese, Bengali, Mizo and Nepali) as the 'first language', and English as the second language at primary level (Table 20). The third language for Grades 3-5 is Meitei for pupils who do not study Meitei as their first language, and Hindi for those who do not study Hindi as their first language.

Grade	First Language	Second Language	Third Language
1-2	Meitei/Hindi/one of the eight recognised Tribal languages/one of the major Indian languages	English	None
3-5	Meitei/Hindi/Any other modern Indian language/One recognised Tribal language	English	Meitei for those who do not offer Meitei as First language Or Hindi for those who do not offer Hindi as First Language

Table 20. Language teaching in state primary schools in Manipur (BSEM s.a.)

According to the syllabus recommended by the BSEM for Grades 1-2, the first and the second language have to be taught six times per week, and each lesson (officially termed 'period') has an instruction time of 40-45 minutes. In Grades 3-5, the first, second and third languages have to be taught six times a week, with each lesson lasting for 40-45 minutes. For Grades 6-8, the first and the third language are taught four times a week, while the second language (English) is taught six times a week. However, the greater allocation of teaching time for English does not entail a higher weightage for the final evaluation, as the maximum number of points for each subject is limited to 100.

Grade	First Language	Second Language	Third Language
6-8	Manipuri/Hindi/Any other modern Indian language/One recognised Tribal language	English	Manipuri for those who do not offer Manipuri as First language Or Hindi for those who do not offer Hindi as First Language Or Elementary Hindi and Elementary Manipuri for those who do not offer Manipuri or Hindi as First Language Or Any one of the recognised tribal languages for those who do not offer tribal languages as First Languages

Table 21. Language teaching in state secondary schools in Manipur (BSEM s.a.)

The BSEM syllabus states that 'all students are expected to have studied three languages including a regional language and Hindi up to [Grade] 8', and 'those students who have been promoted to [Grade] 9 without studying a third language for at least three years shall be examined by the school at the end of Grade 9 [according to] the same syllabus and textbooks prescribed for [Grade] 8' (BSEM n.a.). All such students should have passed the language course before taking the High School Leaving Certificate Examination at the end of Grade 10 (BSEM n.a.). It should be noted that from Grade 9 onwards, teaching of the third language is discontinued. This provision is in accordance with the central government's TLF policy.

Grade	First Language	Second Language	Third Language
9-10	Manipuri, Hindi, Assamese, Bengali, Mizo, Paite, Hmar, Tangkhul, Nepali, Zou, Thadou-Kuki, Kom, Vaiphei, Mao and Rongmei OR Subjects in lieu of any one of the following: Additional English, Elementary Manipuri, and Elementary Hindi	English	None

Table 22. Language teaching in state secondary schools in Manipur (BSEM s.a.)

For Grades 9-10, the first and second language are allocated six lessons per week, with each lesson lasting 45 minutes. It should be noted that the syllabus offers the students the option of studying Elementary Manipuri and Elementary Hindi if they do not speak these languages as their first language. This provision shows that the state policy tends towards greater promotion of Manipuri and Hindi compared to other Indian languages. However, English becomes the dominant language at the highest level of schooling, as is clear from COHSEM's provision which states that the medium of instruction and examination for all subjects except for language(s) 'shall be English' and for language(s) the medium 'shall be the concerned language' (COHSEM 2013).

6.3.5 Media

The latest policy changes show a tendency towards bridging the 'hills-valley divide'. In August 2017, the Department of Art and Culture of the Government of Manipur drafted a policy called the *Manipur State Cine Policy 2016* with the approval of the Cabinet. The draft policy plans to re-organise cinema as a 'creative economy', which refers to a

combination of industry, 'business with culture', and the opening of a new chapter of 'cultural industrialisation'. It is noteworthy that the Manipur State Cine Policy defines 'Manipuri cinema/films' as 'the cinema produced in the Manipuri language or any other tribal dialect of Manipur'. This policy resembles the *Films (Definition of "British Film") Order 2006*, as it defines what constitutes Manipuri identity, which is not confined to Meitei but also includes minority languages. However, the textual aspects of *Manipur State Cine Policy 2016* reveal that, even if minority languages are supported, they are still considered inferior to Meitei as they are described as 'tribal dialects'. The classification of minority languages as 'dialects' is an indicator of the perceived inferior status of minority languages.

Minority languages are included in television and radio programmes. However, the amount of time dedicated to them remains limited. For example, the Imphal Unit of Doordarshan, the national television channel of India, reports that the Kendra (centre) schedules a 'weekly 15-minute chunk for minorities and backward classes' and also telecasts 'various […] tribal songs and dances regularly' (DDK Imphal 2017). Similarly, the radio gives representation to the relatively large minority languages. The broadcasting time for both Tangkhul and Thadou programmes is limited to 30 minutes per day, and 20 minutes each for Hmar, Kabui, Mao, and Paite (Sharma 2011). As far as print media are concerned, neither the central nor the state government can devise policies in this area because they are mostly privatised. While Meitei newspapers thrive thanks to a larger readership, minority language newspapers face the issue of survival.[20] In 1994, the Manipur government instituted the Manipur State Journalist Award, for which journalists working in Meitei, English and 'Tribal Dialects' are eligible (GOM 2011). In 2008, Lalmalsawm Sellate, the editor of the Hmar language newspaper 'Hmasawna Thar' was given this award (Hueiyen Lanpao 2008). While this award was a positive step towards the recognition of languages in the media, it cannot be seen as substituting official efforts needed to support R/M languages. Finally, as far as Hindi's presence in Manipur's media is concerned, it is hard to speak of any kind of dominance of Hindi because of (a) the lack of statutes promoting Hindi in Manipur's media, and (b) the ban on the screening of Hindi cinema in Manipur by non-state actors (§6.2).

[20] An example of a minority language newspaper in Manipur would be the Eimi Times, a 'Thadou-Kuki/English bilingual daily' established in 2012. See < http://eimitimes.in >.

6.3.6 Healthcare

As is the case with the previous case studies, language policies pertaining to the health sector consider the needs of minorities. In fact, the official regulations make sure that medical professionals 'must' have knowledge of one or more minority language(s). For example, one of the eligibility conditions for 'Unani physicians' and 'nature care physicians' at the Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy is that the candidate 'must be able to speak Manipuri' and 'any of the Tribal Dialect(s) of Manipur' (MPSC 2017a). Similarly, 'medical officer' and 'dental surgeon' positions offered by the MPSC stipulate that 'the candidate must be able to speak Manipuri […] and any of the Tribal Dialects of Manipur' (MPSC 2017b). If one compares Manipur's current statutes on language use in healthcare to those from the 1950s, one finds similarities with Wales in the sense that both cases offer evidence for gradual empowerment of the minority language(s). The Welsh language gained importance in Wales over time in domains such as law and administration (see §4.3 and §4.4), while Manipur's minority languages became important in the domain of healthcare. For example, a Manipur Gazette Notification from 22 October 1955 advertising the position of 'Lady Health Visitor' states that 'other things being equal preference will be given to one who possesses knowledge of one or more of the local languages' (GOM 1957: 257). While knowledge of local languages was a matter of preference in the 1950s, now it has become a main criterion in Manipur. This change is remarkable because, unlike Welsh in Wales, none of the minority languages accounts for more than 10% of the state population.

6.3.7 Business

Statutes related to business and commerce in Manipur, and especially those which concern language use in business and commerce, are rare. *The Industrial and Investment Policy of Manipur 2017* does not contain any provisions on language use in industries. In the previous sections, the analysis of language use in business focused on banking or product labelling and certifications. Such statutes are hard to find in Manipur's case. The reason behind the lack of such rules and regulations could be that the industrial sector in Manipur is not fully developed, and therefore the policymakers might not have had to face situations which would require policymaking on such issues. A notable exception is the *Bombay Money-Lenders Act 1946* which regulates that the

statements of monetary exchanges have to be in ‘any recognised language’, where ‘any recognised language’ means English, Manipuri or Hindi (Art. 2.13).

6.3.8 Social welfare

The Manipur government gives room to minority languages in policies on social welfare. For example, the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) (Manipur) Rules 2014* contain various provisions related to minority languages. Article 3.1 of the *2014 Rules* stipulates that the notifications for Social Impact Assessment (SIA) ‘shall be made available in the local language’ to authorities at different levels such as the District Council or the Municipality. Article 8.4 of the *2014 Rules* decree that the SIA ‘shall be published in the local language three weeks prior to the public hearing and distributed to all affected […] Municipal Ward or Village Authority Offices’. Finally, Article 8.6 of the *2014 Rules* regulates that ‘all the proceedings shall be held in the local language with effective and credible translators to ensure that all the participants could understand and express their views’.

The *2014 Rules* strongly empower minority languages in the sense that they make it mandatory – as evident from the use of ‘shall’ – to conduct proceedings in the local languages. The reason behind such empowerment can only be understood by examining the socio-political context. The issue of land ownership has been the source of conflicts amongst different minority groups, as well as between the minorities and the state. The present land laws in Manipur do not allow people from the valley area to buy land in the hills (Sharma 2016: 12). The minorities resident in the hills are ‘apprehensive that [the] introduction of new land laws will result in their dispossession by the more affluent outsiders’ (ibid.). Moreover, development projects by the state, such as the construction of dams, impacts minorities causing ‘alienation, dispossession both from their land and other resources, lack of compensation or inadequate compensation’ (Kipgen 2015). The *2014 Rules* can be seen as a mechanism to address some of these issues by making SIA available in minority languages and allowing their use in public hearings. These rules confirm yet again the findings from the previous case studies which showed that the dominant language ideology is abandoned in cases in which the absence of minority languages would entail a direct and visible impact on people.

6.4 Textual analysis

Compared to the UK or Luxembourg, the modal verbs in the statutes related to Manipur's language policy do not exhibit the same kind of historical development. There could be two main reasons for the lack of such a historical change. First, Manipur was granted the status of a state only in 1972, and therefore, compared to the other case studies, the history of policymaking in Manipur is not as well-established. For example, an inventory of Luxembourg's statutes dates back to the beginning of the nineteenth century, which permits greater historical contextualisation for textual analysis, and offers a greater text sample. Manipur was a Union Territory before 1972 which means that it was directly governed by the central government, and therefore the legislation only took a more local focus in the 1970s. For example, the *Manipur (Hill Areas) District Councils Act 1971* which reorganised the administrative divisions of Manipur was one of the first acts to be enacted after Manipur was granted statehood. The second reason is that the legislation can reflect the historical and socio-political changes, and Manipur has had a different historical development compared to the UK or Luxembourg. It would be mistaken to look for a similar kind of political development which Welsh experienced in Wales for Manipur's minority languages.

The *Manipur (Hill Areas) District Councils Act 1971* makes provisions for the division of the hill areas of Manipur into 'district councils'. District Councils have autonomy except in matters of judiciary and legislation. Article 51 of the 1971 Act states the following on the powers of the administrator to make rules:

> 51. Power of Administrator to make rules.
> (1) Without prejudice to the power to make rules under any other provision of this Act, the Administrator **may**, after previous publication, make, by notification in the Official Gazette, rules for the purpose of carrying out the provisions of this Act.
> (2) In particular and without prejudice to the generality of the foregoing power, such rules **may** […] (iii) determine the language in which the business of a District Council **will** be transacted […] (my emphasis)

There are two instances of 'may' in the Article cited above. The first instance of 'may' plays the role of conferring the power on the authority (in this case, the 'administrator') to make rules. The second instance of 'may' can be interpreted both as an expression of contingency (or 'speculative' to borrow Palmer's (2001) term) and in the sense of authorising someone to devise policies. The mandatory intent of the second paragraph of this Article would be much stronger if 'may' were replaced by 'shall'. The implication of the Article cited above can be understood by looking at the historical

context. The 1971 Act bestows upon the administrator of the state the power to determine language use in the hill areas because Manipur did not have any statute determining the official language(s) of the state, and the language(s) to be used in different domains. Manipur enacted its Official Language Act in 1979, and the 1971 Act cited here can be seen as its precursor. It should be pointed out that such a statute was needed, especially in view of the fact that the languages spoken in the hills have always differed from those spoken in the valley.

The use of 'shall' is fairly consistent in Manipur's statutes. The *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Manipur Rules 2014* which deal with the sensitive issue of land acquisition in Manipur stipulate that an impact assessment will be made for the purpose of achieving fairness and transparency in this matter. Article 3 of the 2014 Rules states that:

> (1) The State Government **shall** […] issue a notification for carrying out Social Impact Assessment […] in accordance with Part-B of Form-I of these rules […] and the same **shall** be made available in the local language to the Panchayat or the District Council or the Municipality and in the offices of the Deputy Commissioner, the Sub-Divisional-Magistrate and the Sub-Deputy Collector […] (my emphasis)

The fifth paragraph of this Article decrees further that that 'the Social Impact Assessment Report and the Social Impact Management Plan shall be made available in the local language of the concerned Panchayat or District Council or Municipality' in the affected areas. Both instances of the use of 'shall' are quite clear in terms of expressing deonticity, and show that the use of minority languages is guaranteed by the legislation. It should be noted that the 2014 Rules do not specify the primary language of the Social Impact Assessment (SIA) and the notification for conducting SIA. However, the combination of languages to be used can be found in other statutes such as the *Manipur Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules 2016*. The aim of the 2016 Rules is to guarantee legal safeguards to street vendors, who constitute a significant part of India's domestic economy. Article 11 of the 2016 Rules makes provisions for the creation of a 'Town Vending Committee' to act as a representative body for the street vendors. Article 10 of the 2016 Rules allows for appeals to be made against any decision of a Town Vending Committee with respect to the issue of certificates of vending or cancellation or suspension of certificates of vending. Paragraph C of Article 10 describes the language use in the following manner:

> The appeal **shall** be in the form of a memorandum […] and **shall** be signed by the appellant and presented by him in person or through his authorised representative, either in English, Hindi or the local language, as preferred by the appellant (my emphasis)

In §2.4, I discussed the question of 'choice' and its intertwining with the issue of power using the question 'who gives whom the authority to do what under which conditions?'. In the case of the 2016 Rules on street vendors, the law (or rather the policymakers) gives appellants (street vendors) the choice to sign their appeal (in either English, Hindi or the local language) in case they have grievances against the Town Vending Committee. The choice of languages is interesting because all three languages named here are optional, thereby preventing the domination of one language over another. The diversity of choices is ensured through the use of 'shall'. Article 10 of the 2016 Rules should be compared with Article 21 because the latter rescinds the optionality of Article 10. Article 21 of 2016 Rules decrees that a Town Vending Committee 'shall' publish the street vendor's charter in 'at least one local language, Hindi and English newspapers of repute'. Unlike Article 10, Article 21 does not offer a choice between English, Hindi, or the local language, but requires the Charter to be published in at least three languages.

The reason behind these two completely different set of requirements within the same statute can be understood if one takes into consideration the needs of the people for whom the statute is devised. The purpose of Article 10 is to ensure that the right of street vendors to appeal against the decisions of the Town Vending Committee is not hindered by language requirements, as street vendors may not have knowledge of Hindi or English due to poor socioeconomic conditions and/or lack of schooling opportunities. Article 21 has the same purpose i.e. ensuring that knowledge of language(s) does not pose any barriers. However, it achieves it differently. If the Charter of street vendors is published only in one or two languages, then it may deprive them of the information they need to be aware of in order to be able to deal with any legal problems. Both the Articles discussed are in line with my finding that power is not uniform across all domains, or in other words, the structure is not as deterministic as assumed in the existing literature. At the textual level, the structure is undermined by the use of 'shall' in favour of the agency.

6.4 Conclusion

Manipur was chosen as one of the case studies because it was one of the few Indian states that seemed to completely meet the criteria used for determining the case studies. Manipur follows the TLF more closely than the Hindi-speaking states, which mostly offer Sanskrit as the third language instead of teaching a (non-extinct) Indian language as the third option. The schools in Manipur offer Meitei, English and Hindi, and also include minority languages in their syllabus. However, it should also be noted that the inclusion of minority languages in schools is a result of the resistance shown by the ST communities. Moreover, the speakers of minority languages continue to struggle for greater recognition of their languages. The organisation of events such as 'Tribal Language Day' supports the hypothesis that language policy is a process that remains dynamic through the actions of different actors partaking in this process. Finally, as argued above, ideologies are not uniform across domains: the macro-level actors consider the needs of micro-level ones in certain domains such as healthcare, while ignoring them in others.

The analysis of the language policies of Manipur has made three important contributions to the comparative research conducted in this thesis. The first of these concerns the nature of power constellations in language policy processes. The EU case study has shown that the creation of power constellations is a mechanism that can be used by a central authority to mitigate conflicts. In this sense, power constellations are part of the covert policy of the EU. It is important to note that, in the EU, power constellations are created through legal means such as directives and regulations. Conversely, Manipur presents a case in which power constellations are created through non-legal means, as the Revolutionary People's Front restricts the promotion of Hindi in Manipur by banning the screening of Hindi cinema.

The second major contribution of this chapter is that it establishes 'categories of differentiation' (COD) as an important structural factor of language policies. According to Tollefson (2015: 141), structural factors shaping language policies include class-based power, race, ethnicity, gender, etc. However, evidence from the Manipur chapter shows that categories of differentiation can also serve as a structural factor, as the different actors involved in policymaking treat these categories as essentialist and enable them to influence the structures of language policies. The primary category of

differentiation in Manipur's language policies is the 'hills-valley' binary, which is a 'colonial category' (McDuie-Ra 2014), but continues to influence public life in Manipur. This divide is exacerbated through its intertwining with the issue of religion because it pits Meitei-speaking Hindus against Christians who speak different minority languages.

The third and final key contribution of this chapter to comparative research is that it reveals the importance of topographic features of language policy. The 'hills-valley' divide resembles the highland-lowland divide in Scotland, in which the (English-speaking) lowland people have been for centuries economically and politically dominant over the (Gaelic-speaking) highland people. My comparative analysis shows that there is a need for topographical approaches to language policy, as it could enrich the theoretical framework of language policy research.

Chapter 7
Language Policies in Tamil Nadu
7.1 Introduction

In terms of language policy, Tamil Nadu is definitely one of the most important cases – if not the most important one – in India. As discussed in §5.2.3.5, it was mainly due to the protests in Tamil Nadu, which took a violent and secessionist nature in the 1960s, that the course of Indian language policies changed. India originally wanted to follow the 'one nation – one language' model that originated in Europe. However, due to vehement protests by a large number of Tamil speakers, India recognised not just Tamil, but also 12 other Indian languages – apart from Hindi and Tamil – as 'official' (Sharma 2013: 78). The Tamil language movement of the 1960s shows that Tamil was the preferred language of the state during this time. This chapter investigates whether Tamil is still the preferred language of the state or whether other languages are also considered whilst formulating policies for different policy domains. Tamil is not the only language spoken in Tamil Nadu. According to the PLSI, there are 19 minority languages in Tamil Nadu, 17 of which are 'tribal' languages and 2 'non-tribal' (Gnanasundaram/Rangan 2015). The previous case studies have demonstrated that power and ideology are not uniform across domains, and the dominant language ideology is abandoned (primarily) in the domains of healthcare and social welfare. In view of this finding, it is imperative to examine if Tamil Nadu's language policies also abandon the dominant language ideology in these domains.

The challenge posed by Tamil Nadu to the originally planned national-level policy in India was possible only because of the unprecedented grassroots-level activism which formed the core of the resistance shown by Tamil Nadu. So far in this thesis, I have confined the discussion of the resistance question to the context of power and ideology. However, Tamil Nadu's case makes it necessary to extend the discussion to the realm of language and emotion. Any investigation of the historical-structural factors behind Tamil Nadu's language policy must consider the role played by the emotional attachment of speakers and activists to Tamil. A telling example of the interplay of language and emotion is that many activists committed suicides during the Tamil language movement of the 1960s in order to protect 'Tamil'. The nature of these suicide cases makes them even more extreme, as they mostly involved self-immolation. The first such case occurred in 1964 when Kizappazuvur Chinnasamy, who worked as a day labourer, set himself on fire (Ramaswamy 1997: 231). Before committing self-

immolation, he wrote a letter to his brother-in-law, saying, 'I plan to die in order to protect Tamil. One day my goal will be met' (Nalankilli 2004). As he was committing the act, he shouted 'Tamil vazhga! Hindi ozhiga!' ('Long live Tamil! Down with Hindi!') (ibid.). Another activist, Kodambakkam Sivalingam, who committed self-immolation, wrote a letter declaring 'Udal mannukku, uyir Thamizhukku!' (My body to the soil, my life to Tamil!) (ibid.).[1] A historical-structural analysis of Tamil Nadu's language policies must examine the reasons behind this extreme form of protest.



Fig. 18. Map of Tamil Nadu (MOI 2017)

[1] Nalinkilli (2004) does not specify to whom the letter was directed.

An investigation of Tamil Nadu's policies must also examine why such protests mainly occurred in Tamil Nadu and not any other state in India. The Tamil language movement was part of the Dravidian movement, which focused on the speakers of Dravidian languages. Apart from Tamil, the most widely spoken languages of the Dravidian language family are Telugu, Kannada and Malayalam, which are the dominant languages of Andhra Pradesh, Karnataka, and Kerala respectively.[2] However, there were no secessionist movements in these states in the wake of the Indian government's proposal to make Hindi the national language. An analysis of the historical factors, therefore, will look into what distinguishes Tamil Nadu from the other South Indian states in which Dravidian languages are spoken.

7.2 Historical-structural factors

7.2.1 Outline

During British colonial rule, the geographical and political area that constitutes modern-day Tamil Nadu was part of the Madras Presidency (Gnanasundaram/Rangan 2015: xxxiii). TN lies in the southern-most part of the Indian peninsula, and is bordered by the union territory of Puducherry (formerly 'Pondicherry'), and the states of Kerala, Karnataka, and Andhra Pradesh (ibid.). According to the 2011 Census, the population of Tamil Nadu is 72 million, which is a significant increase from 2001, when the population of the state was around 62 million (Census 2011b). According to Ethnologue, the total number of Tamil speakers in India is 68.7 million (Simons/Fennig 2018c). Tamil is also widely spoken in Sri Lanka, Malaysia, Singapore, Mauritius, Reunion, and South Africa (ibid.).

The colonisation of South India which started in the seventeenth century marks a critical juncture in the linguistic history of Tamil Nadu, as the dominance of Tamil was challenged by European languages. One of the first European countries to set up a trading post in South India was the Netherlands, which entered into a treaty with the Raja of Carnatic in 1610, and gained permission to reside and trade in Pulicat (Suberamanian 2009: 168). The Dutch mission was followed by the British East India Company which opened a trading post in Madraspatnam in 1640 (cf. Aiyappan 2017).[3]

[2] Telugu is also a dominant language in Telangana, but the Telangana state did not exist at the time of the Tamil language movement. It came into existence only in 2014 after it was carved out of Andhra Pradesh as a separate state through the *Andhra Pradesh Reorganisation Act 2014*.

[3] Madraspatnam was later known as 'Madras' and is currently called 'Chennai' (Hancock 2008: 24).

The East India Company built a fortress called Fort St. George in Madras in 1644. In the course of time, the Agent of the East India Company was raised to the rank of President, and the Agency of Fort St. George came to be known as the Presidency of Fort St. George or the Madras Presidency (Thurston 1913: 1).

By the end of the seventeenth century, the French also started colonising parts of modern day Tamil Nadu. By this time, British expansion had already superseded its Dutch counterpart in many important sectors of commerce (Asaratnam 1967: 325). Over the course of the eighteenth century, the English and the French surpassed their other European rivals in terms of political power and influence over the Tamil-speaking territories and the other areas of the Carnatic region which consisted of parts of modern-day Kerala, Karnataka, and Andhra Pradesh (cf. Asaratnam 1967: 346). Eventually, Britain emerged as the main European power after it gained control of the Carnatic region in 1801 through the Treaty of the Carnatic (Rajayyan 1978: 208). Modern-day TN formed the core of the 'Madras Presidency' during British colonial rule, and became the 'Madras state' after India's independence in 1947 (Aiyappan 2017). In the 1950s, the territory of the Madras state was reorganised, and the Telugu-speaking areas were separated to form part of the new state of Andhra Pradesh, while some parts of the Madras state were added to Kerala and Karnataka. The Tamil language movement played a role in the decolonisation process through acts such as the renaming of the Madras state to 'Tamil Nadu' in 1969, and Madras to 'Chennai' in 1996 (Aiyappan 2017; Hancock 2008: 9). However, English remains either the most or the second-most dominant language in different policy domains.

7.2.2 Language issues before the independence of India

As discussed in §5.2.3, the question of a national language in place of English had gained prominence during India's struggle for independence, and leaders such as Mahatma Gandhi and Jawaharlal Nehru proposed different solutions to the language question. In 1921, Mahatma Gandhi observed – in one of his pieces for the weekly journal 'Young India' – that 'Bengal and Madras are the two provinces that are cut off from the rest of India for want of a knowledge of Hindustani on their part' (Gandhi 1924: 448). In an earlier piece for the same journal dated 16 June 1920, he argued that 'Dravidian children take to Hindi in a remarkably easy manner'. Drawing on his experiences in South Africa, he noted that 'little does anyone know that almost all the

Tamils and the Telugus living in South Africa can carry on an intelligent conversation in Hindi' (ibid.). The greater cause was creating unity among Indians, as evident in his argument that 'if an eighth of the industry that the [Tamil speakers] put into mastering English were to be devoted to learning Hindi, […] they will be one with us as never before' (Gandhi 1924: 447). In response to an appeal made by Mahatma Gandhi in 1920 to Agrawal Marwari Sammelan, a non-governmental organisation representing Marwadis, the Marwadis of present-day Mumbai and Kolkata agreed to donate a sum of 50,000 rupees for the promotion of Hindi in the Madras Presidency (Gandhi 1924: 448).[4] Moreover, there were Hindi Prachar Offices (lit.: 'Hindi Promotion Office') in several parts of the Madras Presidency which offered free Hindi lessons to anyone who wanted to learn it (Gandhi 1924: 447).

The official impetus for the promotion of Hindi in Tamil-speaking areas during the colonial period occurred after Chakravarti Rajagopalachari became the Premier of the Madras Presidency in 1937. The *Government of India Act 1935* ensured provincial autonomy by abolishing the diarchy established by the *Government of India Act 1919*, and created a bicameral legislature in Madras Province. The Indian National Congress won the elections in 1937, and Rajagopalachari became the Premier of the Presidency. In 1938, Rajagopalachari attempted to 'bridge the gulf between the north and the south' by introducing Hindi as a compulsory subject in schools in the Madras Presidency (Lakshmanan 2001: 128).

However, Rajagopalachari's language policy was not uniformly welcomed by the different communities and interest groups in the Madras Presidency. According to Lakshmanan (2001: 129), the government's controversial order provoked strong protests from the Tamils and led to their demand for a separate TN.[5] The opposition to the compulsory teaching of Hindi in TN had started even before the congress ministry was formed in July 1937 (Lakshmanan 2001: 135). In April 1937, a group of Tamil

[4] In 1920, £1 equalled 10 British-Indian Rupee (Fernando 2003: 21). So, the amount donated was £5,000, which, adjusted by inflation, equals around £210,000 in 2018.

[5] Ramaswamy (1993: 703) argues that Tamil speakers used the same rhetorical strategy to oppose Hindi which was used by the supporters of Hindustani to oppose English, i.e. resisting the 'colonial other'. According to Lakshmanan (2001: 132), however, the main issue was whether Hindi should be introduced as a compulsory subject when Tamil itself was not compulsory. Lakshmanan (2001: 137) argues that Rajagopalachari considered a genuine opposition to Hindi as an affront to the national cause, and hence failed to recognise that the anti-Hindi agitators were opposed not to the teaching of Hindi per se, but to the compulsory teaching of Hindi. Lakshmanan's postulate cannot be deemed correct in view of the nationalistic form that the Tamil language movement would assume over time.

scholars established the 'Society for the Protection of the Tamil Language' with its headquarters at Tirunelvely, which was a centre of Tamil revivalism in the early years of the twentieth century (ibid.). In order to present to the public the negative consequences of introducing Hindi, the Society published pamphlets and books focusing on 'the harm the Brahmans had done over the centuries to Tamil civilization' (ibid.). Moreover, it also conducted public meetings at regular intervals, which were addressed by prominent Tamil language activists such as Somasundara Bharati, Eelathu Sivananda Adigal, and Kanchi Paravasathu Rajagopalachariar (Lakshmanan 2001: 136). The campaigns of these activists, and the Society for the Promotion of the Tamil Language united the Tamils in a common cause.

Anti-Hindi activists and leaders gave a number of reasons for opposing the compulsory teaching of Hindi, as described by Lakshmanan (2001: 138). First, they argued that Hindi was an 'alien' language to the Tamil speakers. Second, they countered the view that Hindi would not endanger a rich language (like Tamil) by arguing that English had done 'irreparable harm' to Tamil despite being not very widespread. Third, they questioned whether a language can necessarily unite people by saying the Muslims and Hindus in North India were not united even though they spoke the same language, whilst the Hindus from North and South were closer because of their religious ties. The last, and perhaps the most important reason was caste, as the 'Brahmin – Non-Brahmin' binary shaped Tamil Nadu politics in the following decades.[6] According to Lakshmanan (ibid.), Hindi was identified with Brahmins, and slogans such as 'down with poonul Raj' and 'down with uccikudumi Raj' became popular, much to the indignation of Brahmins. The terms 'poonul', the holy thread worn across the body, and 'uccikudumi', a tuft of hair on the head, were seen as the characteristic symbols of the Brahmin way of life and, therefore, they were drawn as verbal caricatures to depict Rajagopalachari and more particularly the community (Brahmins) to which he belonged (ibid.). Ramaswamy (1997: 101) notes that 'several key Dravidian movement newspapers and magazines' in

[6] The Hindu caste system was originally based on four 'varnas' or divisions: Brahmin, Kshatriya, Vaisya and Sudra. These varnas are differentiated hierarchically according to occupation and ritual status (Barnett 1976: 15). 'Varna' differs from 'caste' in the sense that while 'varna' was flexible because it was decided by occupation, 'caste' was/is rigid because it is decided by birth. Brahmins, said to have originated from the mouth of God, are the highest, and are priests and scholars (ibid.). Kshatriyas originate from the arms of God, form the warrior class (ibid.). Vaisyas are born from the thighs of God, and are merchants, and Sudras originate from the feet, and are peasants, labourers, and servants (ibid.). The outcastes and untouchables are below the Sudras (ibid.). As opposed to North India, there are no Kshatriyas and Vaisyas in South India; therefore, all castes are either Brahmin, Sudra or Untouchables (Barnett 1976: 16).

the 1930s featured cartoons which showed Rajagopalachari attacking or dishonouring 'Tamilttay', the Goddess representing the Tamil language. The representation of Brahmins as the enemies of Tamil, and the classification of language affiliations along caste lines was one of the strategies of TN's political parties, especially the Dravida Munnetra Kazhagam, in the Tamil language movement.[7]

7.2.3 Language and caste

The issue of caste was also discussed in the study on Manipur's language policies, but it has exerted a much greater influence in TN politics. As mentioned above, Hindi was associated with Brahmins, and was seen as a tool of the Brahmins to dominate the non-Brahmins. The Brahmin vs Non-Brahmin dynamic is complex because there is a lack of consensus in research as to which castes wielded how much influence at what point in Tamil history. While Premakumar (2001: 209) posits that the Brahmins wanted to keep the larger majority 'under perpetual bondage', Stein (1999: 85) notes that there were alliances and close cooperation between Brahmins and 'local cultivating groups' as early as the fourteenth century. Moreover, Stein (ibid.) claims that the most important landowning castes (the Vellalas, Reddiars and Kammas) sought to remain above and apart from other non-Brahmin groups. According to a 1914 Report by the Royal Commission on Public Services in India, Brahmins occupied a significantly large proportion of civil service positions in spite of constituting only 3 per cent of the population. However, Barnett (1976: 16) contends that Brahmins 'entrenched their position vis-à-vis the Non-Brahmins' only in the eighteenth and nineteenth century after they joined the civil services in large numbers. Therefore, for Barnett (1976: 16-17), the 'dichotomisation of socio-economic elites into non-Brahmin and Brahmin segments' was a nineteenth-century phenomenon. In this regard, Barnett (ibid.) argues that the stylisation of the non-Brahmin vs. Brahmin issue as 'a conflict between forward Brahmins and backward non-Brahmins' is 'an emotional metaphor that masks more than it illuminates', and proposes to define it as 'a conflict between a landowning non-Brahmin elite with a history of rural dominance, and a nascent urban Brahmin elite that had used the opportunities presented by British rule'.

	Number of appointments held in 1912	Percentage of appointments held in 1912	Percentage of appointments held in 1896	Percentage of total male population

[7] 'Dravida Munnetra Kazhagam' translates to 'Dravidian Advancement Association'. See Pandian (1998: 548).

				of Presidency in 1911 Census
Deputy collectors				
Brahmins	77	55	53	3.2
Non-Brahmin	30	21.5	25	85.6
Muslims	15	10.5	6.5	6.6
Indian Christians	7	5	4	2.7
European and Eurasians	11	8	11.5	0.1
Sub-judges				
Brahmins	15	83.3	71.4	
Non-Brahmin	3	16.7	21.4	
Muslims	Nil	Nil	Nil	
Indian Christians	Nil	Nil	Nil	
European and Eurasians	Nil	Nil	7.2	
District Munsifs				
Brahmins	93	72.6	66.4	
Non-Brahmin	25	19.5	21.2	
Muslims	2	1.6	9	
Indian Christians	5	3.9	11.5	
European and Eurasians	3	2.4	Nil	

Table 23. Royal commission on the public services in India (1913: 103-104)

Barnett's (1976) portrayal of the Brahmin vs Non-Brahmin dynamic needs to be problematised because Brahmins' access to power was ensured through education, a capital to which they had traditionally had better access as compared to the non-Brahmin castes. Moreover, one needs to consider Stein's (1999: 86) postulate that the powerful cultivating groups 'would have sought to use the prestige of association with Brahmins as a means of stabilising their position with respect to other groups within the localised peasant societies'. At the same time, Barnett is correct to question the stylisation of the entire social dynamic as 'a conflict between Brahmins and non-Brahmins' because it masks the discrimination faced by the non-Brahmin groups which did not form part of the elite, i.e. Dalits, who are historically amongst the most disadvantaged social groups in India. Gorringe (2016: 53) notes that Dalits in Tamil Nadu still remain below other castes in social development indices. The uneven distribution of landholdings, as Gorringe (ibid.) reports, means that 58.5% of Tamil Dalits work as agricultural labourers and a further 10.2% are cultivators of marginal landholdings. The literacy rates (63.2%) for Dalits remain below those of the non-Dalit population (76.2%), and Dalit women are further marginalised with literacy rates of 57% (ibid.). Dalit leaders rarely formed the mainstream of Tamil Nadu politics at the

peak of the Dravidian movement. In 1974, the Dravida Munnetra Kazhagam, the party which claimed to champion the rights of non-Brahmins, expelled one of its prominent Dalit leaders, Sathyavani Muthu, on disciplinary grounds, while Muthu stated that Dalits should not trust 'the governments of the day that [were] dominated by the upper classes and their interests' (Barnett 1976: 299).

The 'Brahmin vs. Non-Brahmin' binary is also problematic because it conceals the different power constellations in Tamil Nadu. There are certain 'non-Brahmin' castes, which are classified as 'Backward Classes' (BCs) or 'Other Backward Classes' (OBCs), but dominate the socio-political spheres in Tamil Nadu.[8] According to Ravishankar (2016), 'Thevars in the south, Vanniyars in the north and Gounders in the west are the dominant […] backward class (BC or OBC) or most backward class groups'. Devakumar (2007: 44) notes that certain Dalit communities have freed themselves from 'economically exploitative relationships' and begun to assert themselves, and dominant castes, such as Thevar, have reacted to the threat posed to their hegemony by resorting to violence. TN has witnessed several cases of violence against Dalits because of inter-caste marriages, and politicians representing BC and OBC communities refer to such incidents as 'a failure of law and order' in the state instead of addressing the violence against Dalits (Ravishankar 2016). In the words of Lakshmanan (quoted after Ravishankar 2016), 'once the non-Brahmin Dravidian parties took centre stage, politics became explicitly anti-Brahmin and implicitly anti-Dalit'.

7.2.4 Language, caste and race

The creation of the 'Brahmin vs Non-Brahmin' dynamic was made possible by the intertwining of caste with the issue of 'race' through the 'Aryan invasion' theory popularised by missionaries such as the Rev. Robert Caldwell. Caldwell (1875: 2), author of 'A Comparative Grammar of the Dravidian or South Indian Family of Languages', postulated that Sanskrit had been brought to South India by 'Aryan Brahman colonists'. This theory led to the creation of an 'Aryan-Dravidian' binary which was later used by a section of Tamil Nadu politicians to punctuate their narratives

[8] The expression 'backward classes' has not been defined anywhere in the Indian Constitution (Mathur 2004: 202). 'Backward classes' includes Scheduled Castes, Scheduled Tribes, and Other Backward Classes (OBCs) (ibid.). The OBCs are other than SCs and STs and who are also socially and educationally backward in comparison to the other advanced section of the society (ibid.). The National Commission for Backward Classes, a statutory body under the Ministry of Social Justice and Empowerment, offers a list of OBCs in the different states of India (NCBC 2018).

of the ‘Brahmin vs Non-Brahmin’ dynamic. The impact of Caldwell’s theory on Tamil Nadu’s politics is evidenced by Dirks’ (2008: 334) observation that ‘it is widely accepted that the general conviction underlying much Dravidian radicalism – that the subjection of non-Brahman Dravidian peoples and cultures was based in the Aryan conquest of the Dravidian south – was in large part an invention of evangelical Christian missionaries, in particular Robert Caldwell’.

This race-based theory has to be understood in terms of a quest for dominance between different actors. The British political and religious powers tried to subvert the dominance of Brahmins in political and religious matters in order to further their own interests, and the race-based theory was one of the tools used to do so. Dirks (2008: 335) argues that Christian missionaries such as Caldwell ‘struggled against the hold of [Brahminical] orthodoxy and caste consciousness’, and were ‘resentful of the role of Brahmins in frustrating [their] efforts to proselytise’, as they ‘could report conversions of only the very lowest caste groups’. Moreover, Brahmins were also at the forefront of the independence movement in India which, according to Premakumar (2001: 228), prompted the British administrators to ‘pool their efforts to […] create a non-Brahmin (Dravidian) bulwark or political separatism to support the raj and its policy of divide and rule’. The British administrators, as Premakumar (2001: 229) argues, wanted a force to ‘checkmate’ the Brahmin-dominated Congress activities in South India. The ‘Aryan-Dravidian’ binary had a long-lasting impact on Tamil Nadu because it became the epistemological foundation of the Dravidian ideology that underpinned Tamil Nadu politics both during and after British colonial rule. The implication of the ‘Aryan-Dravidian’ binary for Tamil Nadu’s language policy was that any efforts of the leaders from the North to introduce Hindi were met with resistance.

7.2.5 The Dravidian movement and Dravida Munnetra Kazhagam

A socio-political movement known as the ‘South Indian Libertarian Federation’ was founded in 1916, principally to oppose the economic and political power of the Brahmins, and to render social justice to non-Brahmins (Pandian 1998: 547). This movement was later named the ‘Justice Party’ (ibid.). Drawing on the ‘Aryan-Dravidian’ hypothesis, the Party identified Brahmins as ‘Aryans’, and non-Brahmin politicians identified themselves ‘racially and culturally’ as ‘Dravidians’ (ibid.). Brahminical priesthood and Sanskritic scriptural tradition were blamed for the existence

of inequalities among non-Brahmins, and it was argued that a classless Dravidian-Tamil society existed before the migration of Brahmins from northern India into Tamil territory (ibid.). The Justice Party had become a defunct organisation by 1940, however the call for the promotion of the interests of 'Dravidians' did not end with its demise, and responsibility for this was taken over by the Dravida Kazhagam (lit.: 'Dravidian Association') or 'DK' (Jayaraman 1964: 1555). The DK, founded in 1942 by E.V. Ramasamy Naicker (popularly known as 'Periyar'), aimed at the organisation of 'Dravidians' towards the goal of 'suya mariyathai' (self-respect) (ibid.). Periyar advocated that the non-Brahmins in TN should oppose anybody calling them non-Brahmans but should consider themselves as belonging to the 'Dravidian race' (ibid.). Periyar also propagated the positive identity of non-Brahmans as members of a 'Dravidian nation' entitled to sovereign independence from the Indian union (Jayaraman 1964: ibid.). This ideology found expression in slogans such as 'Tamilnadu thamezharukke' (Tamil Nadu belongs to only Tamils) and 'Dravidanadu Dravidarukke' (the land of the Dravidians belongs only to Dravidians) (ibid.).

In 1949, Periyar's protégé, C.N. Annadurai, who was a Tamil scholar and prolific writer, established a separate party called the 'Dravida Munnetra Kazhgam' (DMK) (Pandian 1998: 548). The main reason behind the formation of DMK was the ideological chasm between Periyar and Annadurai regarding the independence of India (Barnett 1976: 68). Periyar declared August 15, the independence day of India, 'a day of mourning', while Annadurai 'publicly disclaimed identification' with Periyar's stand (ibid.). Periyar had been 'too closely involved' with the British to support the independence of India without a separate state for Tamils (ibid.). The other reasons included Periyar's 'autocratic approach to party leadership', which was a major complaint of Annadurai and other junior leaders (Barnett 1976: 70). Finally, Periyar put financial restrictions on his party leaders, and held them strictly accountable, at the same time refusing to reveal the overall financial position of the organisation (Barnett 1976: 75). However, publicly at least, DMK leaders claimed they were leaving the party because Periyar's marriage at the age of 71 to a 29-year-old woman was a transgression of rationalist social reform ideals (ibid.).

The DMK became popular over time because it connected to the public and created the image of a glorious past. As Chidambaram (1987: 419) notes, 'in the midst of illiteracy,

poverty, and scarce resources, it was a solace for the masses to hear about their glorious and golden past'. The people of the villages were impressed because, despite having university degrees, the young DMK speakers were not classist: they dressed themselves in the traditional manner, and greeted people in Tamil praising the Tamil language and heritage (ibid.). The DMK workers would tell people that they were 'the honourable sons and daughters of those great grand ancestors who lived in affluence, and that their ancient rulers were great kings, seamen, conquerors but never intending to rule other people' (ibid.). Furthermore, they argued that the ancient Tamils had no knowledge about the caste system, and the caste system became part of the Tamil society when the Aryans came (ibid.). The DMK leaders led by example by conducting inter-caste marriages (ibid.). By speaking against North Indian domination and focusing on the Tamil language and culture, the DMK presented itself as the 'saviour' of the Tamils (Chidambaram 1987: 420).

7.2.6 Purification and deification of Tamil

Although the central ideas of the DMK were borrowed from the DK, a major difference between the DK and DMK was their ideological position on language. Contrary to the DK, the DMK employed the strategy of eulogising Tamil, one of the major elements of which was the 'purification' of Tamil (Chidambaram 1987: 418). In the 1950s, the DMK started a movement against 'Manipravalam', a style of Tamil prose using a very high percentage of Sanskrit words with the patronage of the entire Brahmin Community (ibid.). The 'Anti-Aryan' ideology, which underpinned the linguistic purification of Tamil, was also used to redefine Tamil literature. The DMK ideologues divided the ancient Tamil works into two categories: one portraying the supreme Tamil culture, and the other which 'underrated' Tamil society due to Aryan influence and praised the Aryan civilization as supreme (ibid.). Though the DMK faced opposition even from the non-Brahmin Tamil scholars for employing such an approach, they continued their polemical rhetoric against the Hindu epics 'Kamba Ramayanam' and the 'Maha Bharatham' (ibid.). Other symbolic acts by DMK leaders included replacing their Sanskrit names with Tamil names such as Anbazhagan, Nedunchezhiyan, Mathizhagan etc. (ibid.). The renaming of 'Madras state' as 'Tamil Nadu' (the land of Tamils) was also part of the cultural symbolism characteristic of Tamil politics in the 1960s.

This purification was part of a larger socio-political programme that involved the deification of the Tamil language, which is underscored by the intertwining of language and emotion outlined in §7.1. Ramaswamy (1997) explores this phenomenon by using a devotional framework to analyse the sacralisation of Tamil. In one of her later works, Ramaswamy (2003) also examines the 'gendering' phenomenon focusing on depictions of Tamil as 'mother'. Depictions of languages as 'mother' are not a rare phenomenon, but what makes the case of Tamil different is the institutionalisation of the language as mother. Ramaswamy (2003: 686) points towards a government order from 1970 which authorised the institution of a new state anthem in praise of Tamilttāy (Mother Tamil). The prayer represents the earth as a woman whose 'beautiful face' is India, and whose 'radiant brow' is the southern peninsula (ibid.). The Tamil country adorns that brow as an auspicious 'tilakam' (sacred mark) (ibid.). The deification of Tamil is interesting especially because the Dravidian movement ideology promoted atheism, and the government order in fact, as Ramaswamy (ibid.) observes, states that the government took such a step to authorise a hymn that would have no 'religious or sectarian association'.

7.2.7 Topophilia and spatial fabulation

Another point related to the interplay of language and emotion in TN is the concept of 'Lemuria', also referred to as 'Kumar Kandam', 'Kumari Nadu' or 'Tamil Nadu' (Ramaswamy 2000: 575). 'Kumari Kandam' is a lost continent mentioned in ancient Tamil literature (Bane 2014: 91).[9] It was described as stretching south of India, from Africa in the west to Australia in the east with culture flourishing as early as 30,000 BCE as the first civilised society (ibid.). According to Tamil tradition, the people of 'Kumari Kandam' were ruled by fair and just leaders and enjoyed many artistic and technological advances, and had four distinctive 'kunams' (traits): a good work ethic, rational thought, courage and shared eating (ibid.). After the ice age and the rising sea level some 16,000 years ago, the continent was lost forcing its inhabitants to flee to the other surrounding lands (ibid.). Tamil intellectuals first started to reconcile the 'antediluvian history' of their language and literature after they learnt of it through the recently recovered and published ancient Tamil literary works (Ramaswamy 2000: 581).

[9] Ramaswamy (2000: 581) points out that in European geological and ethnological writings of the late nineteenth century, there was no consensus on the territorial status of 'Lemuria': some referred to it as a 'land-bridge', others as a 'land connection', and still others as a 'continent'.

Ramaswamy (2000: 578) posits that the yearning for Lemuria may also be seen as a Tamil version of the quest for the utopian state of perfection and plenitude that has periodically asserted itself at different times in different places globally. Ramaswamy (ibid.) notes that 'in the last hundred years or so in Tamil India […] this Jurassic continent of the European scientific imagination has come to be tantalizingly installed in Tamil nationalist collective memory as the centrepiece of a catastrophic modern historical narrative about the loss of the antediluvian Tamil past'. In this regard, it would not be wrong to assume that this 'spatial fabulation' – the term Ramaswamy (2000) uses to describe the process of thinking imaginatively about places not actually present or existing – stood in line with the tales of a 'glorious past' popularised by TN politicians (Chidambaram 1987: 419). The linguistic intertwining of this 'spatial fabulation' is evident in the work of Devaneyan (1967: 30), a celebrated Tamil scholar, who tries to prove that Tamil is a 'Lemurian' language. Finally, Ramaswamy (2000: 591) refers to a school textbook for sixth-grade students dated 1951 which presents the history of Tamil Nadu in the following manner:

> Tamil Nadu is a very ancient land. In ancient times this was a vast sprawling land. Formerly, the ocean that is to the south of today's Cape Kumari was a vast land mass that was attached to Tamil Nadu. The Western Ghats extended into the ancient portion of land. That section of the mountains was called Kumari. Moreover, two rivers called Kumari and Pahruli flowed there. Because of these, this territory was very fertile. Several thousand years ago, this prosperous landmass disappeared into the ocean. It is after this that Tamil Nadu has shrunk to its present boundaries.

This excerpt is problematic because it presents a tale, which has not been scientifically proven. According to Ramaswamy (2000: 578), the Tamil writings on Lemuria offer 'telling examples' of what theorists of space have variously referred to as 'topophilia'.[10] Such an education policy borders on indoctrination of school children in TN, and also partly answers the question I posed at the beginning of the chapter regarding farmers and labourers violently agitating for the Tamil cause. When the thinking of school children is imbued with nationalist sentiments at such a young age, it is likely to have an effect on their ability to think and analyse critically.

[10] Ramaswamy (2000: 578) refers to Tuan's (1999) work 'Topophilia: A Study of Environmental Perception, Attitudes, and Values' for a discussion of 'topophilia'.

7.2.8 Current tendencies

Linguistic nationalism continues to influence Tamil Nadu's socio-political life. The year 2017 witnessed protests from Tamil speakers when the National Highway Authority of India (NHAI) changed the English-Tamil bilingual signs to Hindi-Tamil at various stops on two national highways, NH-75 and NH-77, passing through Tamil Nadu (Anbuselvan 2017a). The change resulted in protests from politicians and the public alike, and some protestors took to Twitter to express their discontent through the hashtag #StopHindiChauvinism, which trended in India for many days (ibid.). The protestors did not take into account that the NHAI move was based on a decision taken by the Indian Road Congress in 2004, according to which English and local language(s) have to be used for stones showing 5km distance, while local language(s) and Hindi have to be used on signs placed at every first and third kilometre, and only local language(s) have to be used on 2km and 4km signs (Anbuselvan 2017b).

Though the Union government informed the State Highway Authorities of the aforementioned policy change in 2004, it was not implemented in Tamil Nadu (Anbuselvan 2017b). In February 2017, when English was replaced with Hindi on the highways named above, this policy change was met with protests, resulting in English-Tamil bilingual signs being reinstated in these highways by November 2017 (Anbuselvan 2017b). Anbuselvan (2017a) notes that, in March, S. Ramadoss, leader of the political party Pattali Makkal Katchi (PMK), 'threatened to launch a massive agitation if the Centre continues its latest attempt to replace English signage with Hindi'. However, such political moves fall in line with the long history of non-Brahmin elites employing the Tamil nationalist agenda to conceal their caste-based politics. It should be noted the PMK has been accused of promoting caste-based politics directed against Dalits by Thirumavalavan, leader of the Dalit party Viduthalai Siruthaigal Katchi (VCK). As stated above, these examples indicate that language still plays a crucial role in Tamil Nadu's socio-political life. Moreover, they also demonstrate the emergence of newer power constellations in Tami Nadu. The politics of linguistic nationalism that was used by the DMK in the 1960s has now been adopted by newer, smaller political parties which use it to mask their casteist politics.

7.3 Language Policies

7.3.1 Administration

Tamil is clearly the preferred language in the administrative domain. Article 2 of the *Tamil Nadu Official Language Act 1956* declares Tamil as the official language of Tamil Nadu. Mallikarjuna (1986) notes that about 1,700 small Government offices were advised in 1958 to conduct their business in Tamil with the aim of promoting the use of Tamil in administration. Gradually this policy was extended to the District Administration, and the Secretariat level (Mallikarjuna 1986). It is mandatory to know Tamil to be employed in the public sector. Article 21.1 of the *Tamil Nadu Government Servants (Conditions of Employment) Act 2016* decrees that 'no person shall be eligible for appointment to any service by direct recruitment unless he has an adequate knowledge of the official language of the State, namely, Tamil […]'. The term 'adequate knowledge' means that the candidate should have studied Tamil as a subject up to Secondary School Leaving Certificate (SSLC) level or have attended a Tamil-medium school.

The promotion of Tamil is further ensured through concessions made to candidates who studied in Tamil-medium schools. The *Tamil Nadu Appointment on Preferential Basis in the Services under the State of Persons Studied in Tamil medium Ordinance 2010* decrees that twenty per cent of all public sector vacancies which are to be filled through direct recruitment 'shall be set apart on [a] preferential basis to persons [who have] studied in Tamil medium in public services' (Art. 3). 'Direct recruitment' means the 'first appointment of a person to any service under the State in accordance with the Rules or Regulations or Orders in force' (Art. 2). The reason that this ordinance gives for this special provision is that 'those who have studied in Tamil-medium have very little chance of getting selected in the employment of Central Government, other State Governments or in private sectors, [and] therefore, preference needs to be given to them in the State Government services'.

7.3.2 Legal safeguards for minority languages

The Tamil Nadu government does not offer any legal safeguards for minority languages, which can be considered a major drawback of the Dravidian movement and Tamil Nationalism. A majority of these languages are 'native' to TN, a fact that needs to be pointed out in view of Tamil nationalists' claim that the Tamils are the 'original people' of India. According to the PLSI, there are the following 17 'tribal languages' in

TN: Betta Kurumba, Eravalla (Karināvilu), Irula (Ërula), Kadar, Kalrayan Malayali, Kānikkāran, Kattunaicka, Kollimala Tamil Dialect, Kota, Muduva, Mullukurumbā, Pachamalai Malayali, Pālu Kurumbā, Toda, Ūrāli, Vāgri Boli and Villiyan (Irular) (Gnanasundaram/Rangan 2015). There are no legal provisions for the promotion of these languages in schools or any other public domains (see the different chapters in Gnanasundaram/Rangan 2015).

7.3.3 Law

The legal domain offers a rare example of interaction between central- and state-level power constellations. Generally, the use of languages other than English is not allowed in the proceedings of the Supreme Court and the High Courts of different states (Art. 348.1, COI). However, the same Article also states that the Governor of a state may – with the prior consent of the President – authorise the use of Hindi or 'any other language used for any official purpose of the state' in the proceedings of the High Court of that state, 'provided that decrees, judgments or orders passed by such High Courts shall be in English' (Art. 348.2, COI). So far, the governors of four states, namely, Rajasthan, Uttar Pradesh, Bihar and Madhya Pradesh, have authorised the use of Hindi in their respective High Courts (PIB 2012). However, this provision has not been allowed in Tamil Nadu in spite of a resolution passed by the Tamil Nadu Assembly in 2006 to 'make Tamil the official language of the Madras High Court' (The Hindu 2017a).

Tamil is the dominant language in the courts at the lower level. Art. 4(a) and 4(b) of the *Tamil Nadu Official Language Act 1956* allow lower courts to use Tamil for recording evidence in their proceedings and writing judgments. However, this Article also states that, in special circumstances, the Madras High Court may allow presiding officers of the lower courts to record evidence and write judgments in English. A memorandum issued by the Registrar General of the Madras High Court on 5 January 1994 granted the judicial officers the option of writing judgments in either English or Tamil because certain officers at that time did not speak Tamil as their first language (Mandhani 2017). However, this option was later discontinued by a Madras High Court order in 2014 on the grounds that even those officers who did not speak Tamil as their first language had to learn Tamil under the latest provisions (ibid.). As of May 2017, this verdict has been provisionally revoked by the Supreme Court of India (ibid.).

7.3.4 Education

The abandoning of the TLF was one of the main reasons for the selection of Tamil Nadu as a case study for this thesis. Contrary to other states, Tamil Nadu has even rejected the establishment of Jawahar Navodaya Vidyalayas (JNV), the central-government sponsored schools which promote intercultural exchange amongst students. Under the 'Migration of students for national integration' scheme, thirty per cent of the students of one JNV school get the opportunity to spend an academic year in another JNV school, and such exchanges are generally between schools from Hindi- and non-Hindi-speaking areas (NVS s.a.). In the academic year 2015-16, 4,073 students from Hindi-speaking states and 5,869 students from non-Hindi-speaking states made use of the intercultural exchange scheme (ibid.). Despite the Madras High Court's order, the TN government has been resisting the establishment of JNVs in TN on the grounds that this would entail the imposition of Hindi (The Hindu 2017b).

The promotion of Tamil has been such a concern for the TN government that it has in the past also resorted to illegal measures to promote the language. For example, in 1999, the state government passed an order which decreed that 'from the academic year 1999-2000 all the nursery and elementary Schools shall teach at least two out of three subjects (Social Studies, Mathematics, and Science) through the medium of Tamil, apart from teaching Tamil as a subject'.[11] The Government Order was deemed 'irrational', 'arbitrary', and contradictory to the Right to Equality by the Madras High Court in 2000.[12] The state government has nonetheless continued to make the learning of Tamil mandatory wherever possible. The latest policy in this direction is the *Tamil Nadu Tamil Learning Act 2006*, which has made Tamil a compulsory subject in all schools. Article 3.1 of the 2006 Act decrees that 'Tamil shall be taught as a subject [from Grade 1 to 10] in all schools, in a phased manner, commencing from the academic year 2006-2007 for [Grade 1], from the academic year 2007-2008 for [Grade 1 and 2] and shall be extended up to [Grade 10] in a like manner'. The consequence of this Act for linguistic minorities is that they can only learn their first language(s) as an 'optional subject'.[13]

[11] Madras High Court Case No. 2000 (2) CTC 344, (2000) IIMLJ 575.
[12] Ibid.
[13] The 2006 Act does not make any statements on the medium of instruction. The second compulsory language according to this Act is English (Art. 3.2).

7.3.5 Media

The promotion of Tamil is evident from the different degrees of taxation applicable to Tamil and non-Tamil films. The *Tamil Nadu Entertainments Tax (Second Amendment) Act 1994* decrees that the tax on Tamil films in permanent and semi-permanent theatres in municipalities such as Attur or Dharampuri is '30 per cent of the gross collection capacity for every show', while the tax on films dubbed in Tamil is '40 per cent of the gross collection capacity for every show' (Art. 5.2).[14] According to Pillai (2017), the reason behind the higher taxation rate on non-Tamil films is the 'feeling within the industry that [non-Tamil films] are making deep inroads into Tamil cinema markets', which the higher taxes are supposed to 'keep in check'.

Tamil Nadu was considered one of the smallest markets for Hindi films in India, and the business for Hindi films from the mid-1950s to the early 1970s was limited due to the anti-Hindi policies of the DMK (Pillai 2015). However, in recent years, Hindi films have generated more revenue than in the past, primarily due to three major changes. The first of these concerns the migration of Hindi-speaking workers to TN (ibid.). Second, the growth of social media and subtitling have created new audiences for Hindi films in the state (Pillai 2015). Finally, production and distribution have become more organised than before, and the growth of multiplexes and an increase in the number of screens have made it possible for a wide variety of films to be released across the state (Pillai 2015). While earlier 80 per cent of the revenue of a Hindi film came from Chennai and its suburbs, now smaller centres such as Tiruchy, Vellore, Kanchipuram, Salem and Madurai are also screening Hindi films (Pillai 2015).

The significance of these changes can only be understood by considering the history of Tamil cinema and its intertwining with politics. According to Hardgrave Jr/Neidhart (1975: 27), cinema in South India has been a 'major vehicle of the Dravidian movement', and its 'effect and penetration' can be measured in the spectacular rise of the DMK and in its landslide victory in Tamil Nadu in the 1967 election. Annadurai and Karunanidhi, two of the most important leaders of the DMK, used film scripts to articulate and disseminate their criticism of social evils and political oppression. And although the Dravidian ideology of Periyar and Annadurai does not exercise the same

[14] The rate of taxation varies depending on the annual income of a given municipality. Municipalities and other administration areas with lower annual incomes pay lower entertainment taxes. However, in each of these cases, the tax on non-Tamil films is 10% higher than that on Tamil films. See Art. 5.2, *Tamil Nadu Entertainments Tax (Second Amendment) Act 1994*.

influence as in the 1960s, Tamil cinema continues to influence 'all spheres of Tamil Nadu social life extending into the domains of state governance and political discourse' (Rogers 2009: 63). In this context, the growing popularity of Hindi films in Tamil Nadu shows that at least for part of the audience the hostility towards Hindi is not as strong as in the past. The state government, on the other hand, has continued with the policy of promoting Tamil through its uneven taxation policy.

7.3.6 Healthcare

Article 6 of the *Chennai Corporation Health, Malaria and Family Welfare Subordinate Services Bye-laws 2009* states that the candidates whose first language is not Tamil should pass the Tamil Language Test conducted by the Tamil Nadu Public Service Commission within the period of probation (i.e. 2 years). In the event that the appointed personnel cannot pass the Tamil language test, their increments will be stopped from the third year onwards until they qualify (Art. 6). The 2009 Bye-laws also state that candidates selected through direct recruiters – in contrast to candidates selected through departmental promotion – must pass the Tamil Language Test within a period of five years from the date of entry into service, else 'their service will be terminated forthwith' (Art. 6). It is difficult to reach any conclusions on the use of minority languages in Tamil Nadu's healthcare because, as far as my research shows, there are no statutes on the use of minority languages in healthcare. However, it should be pointed out that my research was constrained by the limited access I had to Tamil Nadu's legislation, and it is possible that the healthcare policies in Tamil Nadu follow the pattern evident in other case studies.

7.3.7 Business

The Tamil Nadu's statutes on language use in the business domain make room for 'local languages'. For example, the *Tamil Nadu Scrap Merchants and Dealers in Second-hand Property and Owners of Automobile Workshops and Tinker Shops (Regulation, Control and Licensing) Act 1985* regulates that every scrap merchant or dealer in second-hand property and every owner of an automobile workshop or tinker shop 'shall be bound to keep and maintain' accounts and books containing details of transactions (Art. 7.1). These records have to be maintained either in Tamil or English or 'in such language of the locality as may be prescribed' (Art. 7.2). In a similar way, the *Tamil Nadu Money Lenders Act 1959* decrees that 'all records or entries made in the books, accounts and

documents […] shall be either in Tamil or in English or in both' (Art. 11.1). However, it also stipulates that 'where the majority of the persons in any area speak a language other than Tamil, the records shall be maintained in English or in the language spoken by the majority of such persons' (Art. 11.2). These statutes are remarkable because it is not common that dominant language ideologies are abandoned in the business domain. However, the principle on the basis of which the dominant language ideology is abandoned is the same as in the statutes concerning healthcare and social welfare, i.e. ideologies are abandoned in view of the needs of people who will be affected by the policy.

7.3.8 Social welfare

The protection of workers' rights is ensured through the health and safety regulations which consider not only Tamil, but also 'local languages' or – as specified in certain statutes – 'language of the majority of the workers'. The *Tamil Nadu Factory Rules 1950* contain several references to languages of health and safety regulations. For example, Article 62B of the 1950 Rules decrees that the occupiers of factories have to prepare a written statement of their policy concerning the health and safety of workers, and have to inform them of this policy through various means in 'a language understood by [the] majority of workers'. In this regard, the state government's policy on health and safety of workers is similar to that of the central government. While both push for their preferred language (Hindi or Tamil) in other domains, they abandon their ideologies when it comes to the health and safety of workers in factories.

7.4 Textual analysis

In this section, I examine the extent to which linguistic nationalism as well as the role of minority languages in Tamil Nadu's language policies are reflected in the use of modal verbs in Tamil Nadu's legislation. The state policies ensure that Tamil remains the dominant language in the administrative domain. The policies on the recruitment of government officials strongly favour Tamil at the expense of other languages (except English). Article 21 of the *Tamil Nadu Government Servants (Conditions of Service) Act 2016* decrees that 'no person shall be eligible for appointment to any service by direct recruitment unless he has an adequate knowledge of the official language of the State, namely, Tamil'. Moreover, the *Tamil Nadu Appointment on preferential basis in*

the Services under the State of Persons Studied in Tamil medium Ordinance 2010 guarantees preference for candidates who completed their education in Tamil medium:

> 3. Professional appointment
> […] twenty per cent of all vacancies in appointment in the services under the State which are to be filled through direct recruitment **shall** be set apart on preferential basis to persons studied in Tamil medium (my emphasis)

It should be added that candidates with a Tamil-medium education are also given the right to compete for other vacancies. Article 4 of the 2010 Ordinance stipulates that 'persons studied in Tamil medium shall also be entitled to compete for the vacancies, other than preferential vacancies in appointment in the services under the State, along with persons studied in other medium'. The use of 'shall' underlines the mandatory nature of these statutes, and shows the ideology of the state is directed towards the promotion of Tamil. The 2010 Ordinance also contains a 'preamble' which offers an overview of the statutes which serve as the legal basis for drafting the 2010 Ordinance. The Preamble of the 2010 Ordinance refers to the *Official Language Act 1963 (As Amended 1967)*, however it misquotes it. Article 3.1 of the 1963 Act still states that English 'may continue to be used in addition to Hindi' for official purposes of the Union, while the 2010 Ordinance quotes it as 'shall'. The 'shall-may' problem demonstrates once again the disagreement between ideologies of the central and the state government.

The dominance of Tamil is also maintained in the media. The *Tamil Nadu Local Authorities Entertainments Tax By-laws 2017* offer two kinds of possibilities of language use. They decree that the name of the theatre on the electronic tickets for admission to entertainments issued by the proprietor online or at counter 'shall' be 'in both Tamil and English', while other details including the rate of admission and taxes 'shall' be 'either in Tamil or in both Tamil and English'. While Tamil is mandatory in both these combinations of language use, the statutes on language use in the business domain contain provisions that make Tamil optional. For example, the *Tamil Nadu Catering Establishments Rules 1959* decrees that 'all registers, records and notices required to be maintained, exhibited or given under these rules shall be either in English or in Tamil'. Similarly, the *Tamil Nadu Scrap Merchants and Dealers in Second-hand Property and Owners of Automobile Workshops and Tinker Shops (Regulation, Control and Licensing) Act 1985*, which requires the scrap merchants, dealers in second-hand

property, and owners of automobile workshops or tinker shops to keep and maintain accounts, specifies language use in the following way:

> All records or entries made in the accounts and books […] **shall** be either in Tamil or English or in such language of the locality as **may** be prescribed; and all such accounts and books **shall** be open to inspection at any time by the licensing authority or the police officer having jurisdiction (Art. 7.1.) (my emphasis)

As opposed to the legislation on administration or the media, the statutes related to business and commerce offer the possibility to make Tamil optional. It must be noted all these statutes employ 'shall', which in legal language expresses mandatory intent. These statutes also offer a choice between Tamil or English or both. The 1985 Act also makes room for the use of the 'language of the locality', which reveals that, depending on the domain, languages other than Tamil and English are allowed by the policies. However, the use of the language of the locality is bound by the clause 'as may be prescribed'. Therefore, even if there are three kinds of options for language use (Tamil, English, or local language), the chances of actualisation of two of these (Tamil or English) are greater than that of the local language. The use of local language is also contingent upon the permission of authorities in the *Tamil Nadu Cooperative Societies Act 1983*:

> Section 34: Disqualifications for membership of board
> 1) No person **shall** be eligible for being elected or nominated as a member of a board of any registered society if he - (i) does not know to read and write Tamil or English or such other language as the Government **may** notify in this behalf in relation to any particular area (my emphasis)

In common with many of the statutes discussed above, the 1983 Act employs both 'shall' and 'may'. 'Shall' has been used here in the sense of prohibition, and elucidates the conditions under which a certain person is not allowed to be nominated as a member of a board of any registered society. In contrast to 'shall', 'may' has been used in the sense of permission. The implications of the use of these modals can be understood in view of the two questions I have discussed in the previous sections: (i) who allows whom to do what under which conditions? and (ii) who prohibits whom from doing what under which conditions? The policies generally allow the use of Tamil and English, while the government is given the power to notify the use of a third language regarding the particular area.

The statutes discussed so far show that language policies in Tamil Nadu allow the following possibilities of language use: (i) Tamil only, (ii) Tamil and English, (iii) Tamil or English, and (iv) Tamil or English or local language. All the combinations include Tamil as an option, however the condition to use Tamil can be rescinded in certain cases. For example, the *Tamil Nadu Administrative Tribunal (Procedure) Rules 1988* decree that the language of the Tribunal 'shall' be English. It stipulates further that 'a Bench may, in its discretion, permit the use of Tamil in proceedings'. The 1988 Rules prove that, in spite of linguistic nationalism, the Tamil language ideology can be abandoned in the legal domain. Moreover, the use of 'may' in the 1988 Rules also corresponds to my finding that policymaking tends to create power constellations. In this case, even though the policymakers have decided that the language of the Tribunal will be English, they confer upon the Bench, which may vary from case to case, the power to decide whether Tamil can be used in the proceedings. In this sense, the policymaking becomes very individual, since the Bench may not be the same in two different cases.

There are also statutes which make it mandatory to employ three languages (Tamil, English and the local language). Article 55.1 of the *Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules 1983* states the following:

> Notices showing the rates of wages, hours of work, wage periods, dates of payment of wages, names and addresses of the Inspectors having jurisdiction and date of payment of unpaid wages, **shall** be displayed in Tamil and in English and in the local language understood by the majority of the workers in conspicuous places at the establishment and the work-site by the principal employer or the contractor […] (my emphasis)

As stated above, the 1983 Rules include not only Tamil and English, but also languages 'understood by the majority of the workers'. It is important to note that residents of one Indian state are allowed to move and work in other states. As a result of this migration of labour, the workers working in TN's factories may not speak Tamil as their first language, and therefore the 1983 Rules consider their needs. Finally, I cite an example which does not mention Tamil or English, and focuses only on the 'language of the majority of the workers'. The *Tamil Nadu Factory Rules 1950* contain several clauses that declare it necessary – underscored by the use of 'shall' – to use languages other than Tamil and English. One such clause is cited in the following:

> A cautionary placard in the form specified below and printed in the language of the majority of the workers employed **shall** be affixed in a prominent place in the factory where it can be easily and conveniently read by the workers (Schedule II; my emphasis)

This clause does even mention Tamil or English, and focuses only on the 'language of the majority of the workers' which may or may not be Tamil. These examples reveal that in spite of the linguistic nationalism in Tamil Nadu, policymaking abandons its Tamil language ideology and considers the needs of the people that do not have sufficient proficiency in Tamil.

7.5 Conclusion

This chapter makes three main contributions. First, it shows that Tamil Nadu abandons its language ideology in certain policy domains: this finding may not seem new in view of the fact that the previous case studies have reached the same conclusion. The key difference is that the previous case studies did not exhibit the extreme form of linguistic nationalism that is evident in Tamil Nadu's case. The existing literature on Tamil Nadu highlights only the linguistic nationalism of Tamil Nadu. This chapter shows that Tamil Nadu also takes into account the needs of minority languages despite this linguistic nationalism. An interesting addition to the current set of findings is that Tamil Nadu's policies also make room for minority languages in the business domain. At the same time, statutes on the use of minority languages in healthcare could not be found, but the lack of such statutes may be due to the limited documentation to which I had access.

The second main contribution of this chapter is that it confirms that binaries, which I have termed 'categories of differentiation' in the Manipur chapter, play an important role in shaping language policies. In common with Manipur, there is a multitude of categories of differentiation in Tamil Nadu. The Dravidian movement was foregrounded by the Aryan-Dravidian divide, and the Brahmin-Non-Brahmin divide. But over time, new binaries have emerged such as the OBC-Dalits divide, Thevar-Pollar divide, and the Tribal-Non-Tribal divide. Barnett (1976) speaks of 'dichotomisation' of Tamil society, but given the ideological fragmentation of Tamil society, one can speak of 'polychotomisation'. The idealism of social justice which the DMK and Dravidian movement wanted to achieve has transformed into caste-based politics. As Harriss (2002: 98) notes, 'nowhere else in India were as many as seven caste-based political parties formed in the 12 months before the assembly elections of 2001'. These categories of differentiation represent the different power constellations in Tamil Nadu.

The third main contribution is to produce a synthesis of different approaches to language policies of Tamil Nadu, and relate it to language policy research. Tamil Nadu presents a challenging, yet crucial case for comparative language policy research. It is crucial because it highlights the intertwining of language and emotion, and challenging because offering an explanation for such intertwining needs a multitude of theories. Scholars from different disciplines such as history, political science, anthropology and postcolonial theory have examined Tamil Nadu's policies using their approaches. This chapter combines these eclectic approaches, and examines how they relate to policy texts.

The aforementioned synthesis contains two main points which need a greater amount of attention in language policy research. These are the deification phenomenon and topophilia. The tendency towards deification can also be found in other Indian states, such as Andhra Pradesh, but what sets Tamil Nadu apart is the institutionalisation of the deification phenomenon, as the Tamil Nadu government passed an order that created a new anthem in honour of 'Tamilttay' (Mother Tamil). The second key point of the synthesis concerns topophilia and spatial fabulation. The distinctness of Tamil Nadu in terms of demanding a separate nation for Tamils has to be understood through the literary and political discourses that constructed 'the glorious past' of Tamils. The spatial fabulation which portrayed the land of Tamils as a continent in itself, and the 'sense of loss' that resulted from the submerging of 'Kumari Kandam' in the Indian Ocean distinguish the Tamil language movement from others in India. The 'topophilia' perpetuated by the incorporation of 'Kumari Kandam' in school textbooks for children can be viewed as a major historical factor behind the Tamil nationalist movement. The proponents of the Dravidian movement employed deification, matrification, and spatial fabulation as their strategies to engage the masses.

I argue that, over time, Tamil language ideology has undergone a shift in the sense that it has been reduced to a political ritual. The Tamil language movement achieved its goal by getting official and classical language status for Tamil. As these demands have been met, the DMK has resorted to symbolic gestures, the latest of which asks for Bharat Ratna, the highest civilian honour in India, for Annadurai, one of the first leaders of the Tamil language movement (Kolappan 2017). In 2012, the DMK had demanded that the

taluks (an administrative division in India) of Devikulam and Peermedu, which became parts of Kerala as a result of the Linguistic Reorganisation of States (1956), should be merged with Tamil Nadu because they 'historically and geographically belong to Tamils and Tamil Nadu' (The Hindu 2012).

The positive aspect of the Tamil language movement is that, in an indirect way, it helped India mark a break from the 'one nation – one language' model that shaped (and continues to shape) the history of a number of countries around the world. If it were not for the Tamil language movement, India would have enforced its policy of making Hindi the national language of India. In this sense, the Tamil language movement succeeded where visionaries such as Mahatma Gandhi and Jawaharlal Nehru failed, i.e. understanding that a country can function without a 'one nation – one language model'. Owing to the Tamil language movement, India had to adopt a multitude of languages as 'official', and this policy of official multilingualism has been in practice for decades, which also brings us to one of the points of departure of this thesis, i.e. the Eurocentric claim of Peter Hans Nelde that the EU's policy of official multilingualism was 'unique in the history of mankind'. In this sense, the challenges posed by the Tamil language movement to the original Hindi-centric national policy have helped India develop a multilingual model that counters Eurocentric approaches and monolingual models.

Part IV
Chapter 8
Conclusions and Future Prospects

8.1 Conclusions

This thesis marks a break from the prevalent understanding of power in language policy research. The existing research has viewed power in macro-level policymaking as a monolithic entity, while my research in this thesis challenges the notion of uniformity of power, and offers evidence that power and ideology are not uniform across domains. The dominant language ideology is abandoned in certain policy domains such as healthcare or social welfare. The feature common to all the policy domains, in which ideologies are abandoned, is that there would be a direct and visible impact if policies did not take into account the needs of those who would be affected by these policies. For example, if product labels or warning signs are not made available in the language(s) of the people, there might be dangerous consequences.[1] A corollary of this finding is that policies are domain-specific. This study adds a new dimension to the structure vs agency debate because it reveals that structure is not monolithic. It is susceptible to change, can be fragile, and is not always deterministic. This study also highlights the constraints on power: Apart from being time- and system-bound, power has also to be understood as a domain-bound phenomenon.

Apart from showing that power itself is heterogeneous, the comparative analysis conducted in this work has led to a number of other crucial findings. The first of these concerns what I call the 'categories of differentiation' (COD). The categories of differentiation serve as the key structural factor that shape the language policies in different case studies. Examples of COD include the hills-valley divide, tribal vs non-tribal divide, Brahmin vs non-Brahmin divide, Thevar-Pollar divide, autochthonous-allochthonous divide, etc. At the administrative level, the COD are national language vs official language or scheduled languages vs non-scheduled languages. Although the COD are not inherently essentialist, they are often treated as such by the actors involved in language policies. The COD add to Tollefson's framework of structural factors by broadening the range of analytical categories suggested by Historical-Structural

[1] One can cite the example of the *Stanley Industries, Inc. v. W.M. Barr and Co., Inc.* case which concerned a fire that was allegedly caused by the use of linseed oil (Tiersma 2002: 59). The injured workers mainly spoke Spanish, but the label on the product was only in English and contained no symbols or graphic warnings (ibid.). The plaintiff decided that an English warning was insufficient because the manufacturer could have foreseen that non-English-speaking users would not understand the warning (ibid.).

Analysis (HSA). Tollefson names categories such as class, race, or socioeconomic divide which are rooted in Marxist analyses. Even though the COD are indicators of structures of language policies, they differ from the essentialist structural determinism propagated by HSA.[2]

The second important finding concerns power constellations. As noted in the previous chapters (specially the EU chapter), the power to devise policies does not lie in the hands of one body, but is distributed across various actors. The power constellations can be interpreted in two ways. On the one hand, they can be seen as indicators of democratisation. On the other hand, they can be viewed as a covert mechanism employed by a polity in order to avoid being perceived as authoritarian. The most illustrative examples of power constellations are the Union and its institutions and agencies, as each of these is allowed to devise its own language policy. A completely different kind of power constellation is found in Manipur's language policies. The investigation of Manipur's policies reveals that sometimes non-state actors that are legally not part of democratic processes can influence language policies. The ban imposed by a terrorist outfit on the screening of Hindi movies is an example of intervention by extra-legal non-state actors in the affairs of the state. At the same time, these power constellations show the usefulness of adopting a comparative approach while conducting policy studies.

The third important finding that emerges from the comparative analysis is that sometimes language policies are caught between nationalistic aspirations and pragmatic concerns. Examples of this phenomenon include the policies in India and Luxembourg. India wanted to follow the 'one nation – one language' model and implement Hindi as its only official language, however this nationalistic aspiration was subdued by the pragmatic concern of countering language-based secessionist demands. In Luxembourg, the pragmatic concerns lead to the dominance of French in different domains such as administration, law, and education, and German in the print media. Nationalistic aspirations are gradually starting to become prominent through initiatives that portray Luxembourgish as the marker of national identity, while describing French and German,

[2] While 'categories of differentiation' constitute a productive analytical tool for investigating policies, researchers should not confine their analyses to binaries only. They should also try to look for newer analytical categories that each case study can contribute.

which are as much a part of Luxembourgish identity as Luxembourgish, as 'foreign languages'.

The fourth important finding is that there is a more complex story behind mere statistics. The European Commission report 'Languages in Education and Training: Final Country Comparative Analysis' (2014) suggests that Luxembourg is better than the other EU member states in terms of language learning. In reality, however, Luxembourg's language policy impedes the school attainment of its pupils, and exhibits a growing tendency towards homogenisation. Similarly, Manipur is one of the few states in India to offer 'tribal languages' as media of instruction. However, its policy is marked by binaries such as the 'hills-valley' divide, 'tribal vs non-tribal' divide or Hindu-Christian divide. The statistics also do not reveal the fact that policies evolve over time. I have already discussed power as a time-bound phenomenon. Changes in power structures are reflected in language policies, as is evident from the different case studies. The change in the status of French and German from 'national language' to 'foreign language' in Luxembourg, the gradual empowerment of Welsh, and the gradual recognition of an increasing number of languages in India show that policies are not static, and historical perspectives are important for gaining a comprehensive understanding of language policies.

Fifth, this dissertation highlights the importance of texts in conducting policy analyses. LP research has so far largely focused on investigations of contexts. This dissertation addresses this 'text-context divide' and – through its investigation of legislation in EU, Luxembourg, Wales, India, Manipur, and Tamil Nadu – demonstrates that textual analyses enrich the epistemological framework of policy research. For example, the transition from 'may' to 'shall' in UK statutes on the use of Welsh indicates the gradual democratisation of UK language policy since the 1960s. These statutes serve as concrete evidence of the empowerment of Welsh in the UK. Moreover, the statutes, the investigation of which has led to this finding, concern civic registration (registration of births, deaths, and marriages), a domain one would generally not associate with language policies. The thesis shows that even those texts which are not directly related to language use in policy domains can offer valuable insights into understanding language policies. Investigations of language policy research, therefore, should not limit themselves to contexts, but rather use a combination of textual and contextual analyses.

Sixth, the prioritisation of certain languages over others is reflected in the use of modal verbs, as statutes tend to use different modal verbs for different languages in different domains. The purpose of such varied use is to indicate the preference for one language over another. For example, statutes are more likely to use 'may' for minority languages in education, administration, or law, whilst 'must' or 'shall' are more likely to be used for minority languages in healthcare and social welfare. A noteworthy feature of some statutes is the subversion of deonticity: this means that even if 'shall' or 'must' is used in relation to minority languages, their deontic effect can be constrained if the sentence within which they are used is not specific. For example, the TEU states that the Union 'shall respect its rich cultural and linguistic diversity' (Art. 3). This Article is vague because it does not specify whether 'respect' entails any concrete measures on the part of the Union to promote its languages. The subversion of deonticity caused by such non-specific use of 'shall' and 'must' results in policies being disadvantageous to certain language groups.

Finally, I argue that there is a need for rethinking of modal verbs by adopting a more critical approach. In legal parlance, they are not just 'auxiliaries', but indictors of power structures which can be understood by asking questions such as 'who enables whom to do what under which conditions?' that focus on language policy choices. The existing literature on modality in legislation has focused mainly on the role of 'shall' and dealt with the issue as to whether it should be replaced by 'will' in certain cases in order to eliminate indeterminacies. My work adds to the existing literature by focusing on the intertwining of power, ideology, and modality, and shows how the use of 'shall', 'must', and 'may' creates language hierarchies. Contrastive studies of these verbs can be used to study varied aspects of governance and social life documented in legal language to gain new knowledge. The role of modal verbs in statutes needs more thorough analyses which can only be achieved by conducting more case studies.

8.2 Limitations of comparative research

The comparative approach employed in this thesis has led to some important results. However, it is also useful to discuss the limitations of using the comparative method for investigating policies. The main problem I encountered while conducting this research was procuring policy texts concerning India, especially for the case studies. As opposed

to the EU and its case studies, for which texts were easily accessible, accessing legislation from Manipur and Tamil Nadu was difficult because the documents required were not available in any UK library or the National Archives of India (New Delhi). Moreover, the governments of Manipur and Tamil Nadu currently do not offer an online database of their legislation. The documents related to Manipur and Tamil Nadu are the only ones identifiable through internet searches and paid subscription to the private database 'Manupatra'. Even Manupatra had a limited number of documents concerning language use in these states. Overall, it can be concluded that comparisons can be only as good as the documentation. Researchers of language policies should bear in mind that the state of documentation, the practice of right of information, the modalities of accessing the documentation required, and official attitudes towards the relevance of academic research vary from country to country, and can have an impact on the quality of comparative analyses.

8.3 Proposing a new method: Integrated Domain(s) Analysis

Despite the large volume of work dedicated to language policy research, its theoretical and methodological framework is not sufficiently developed to offer guidance as to how to conduct policy research when comparing two polities as different as the EU and India. The comparative works discussed in §1.1 do not discuss the possibility of a 'comparative method' and how such a comparative method could benefit LP research. Their theoretical considerations are limited to their domains of inquiries. For example, O'Rourke's (2011) study is primarily focused on discussing language attitudes towards Irish and Galician, and does not concern itself with designing a comparative method. Oakes (2001: vii) employs a comparative approach to 're-examine the relationship between language and national identity', but the question of whether there could be a proper model for comparisons is not discussed within Oakes' theoretical framework. Furthermore, one of the central problems, as discussed in §2.4, is the text-context divide, as the majority of research related to language policies has focused either on contexts or texts. The contexts of language policies comprise historical, socio-political, and economic factors that fall within the purview of investigation of different disciplines. Therefore, they have been analysed by policy scholars using approaches from anthropology (Mitchell 2009), postmodernist theory (Pennycook 2006), ethnography (McCarty 2011), economics (Grin 2003), and political theory (Kymlicka/Patten 2003, Sonntag/Cardinal 2015), to name a few. On the other hand,

texts have been examined from the perspective of Critical Discourse Analysis (Wodak 2006), and Discursive Social Psychology (Studer et al. 2008), among others. Comparative studies require a method that could account for both texts and contexts. In view of this gap, I propose a new research method called 'Integrated Domains Analysis' that approaches policy research from the viewpoint of policy domains.

'Integrated Domain(s) Analysis' or IDA is a new method for supplementing policy research which is rooted in the assumption that language policies are not of a uniform character: rather, they vary from domain to domain, and such domain-oriented variation applies to both macro- and micro-level policies. The objective of IDA is to offer a systematic methodology to conduct language policy research, which might be used for both comparative and non-comparative studies. The use of the term 'systematic' means that the same criteria are applied to each case study. I argue that there are three main parameters involved in the language policy of any state. The first parameter is the number of domains to be investigated. IDA posits that policies are domain-specific, and suggests that researchers should examine different domains while conducting policy research. Researchers should bear in mind that policy domains may not be entirely discrete. Issues concerning one domain might coincide with another. For example, regulations on pesticides pertain to agricultural policies, and their sale belongs to the business and commerce domain, while the product labelling containing warnings in different languages about the dangers of consuming pesticides belongs to the health and safety domain. Therefore, researchers should be mindful of such intersections and liminalities while choosing their policy domains.

The second parameter concerns the scale of policy and planning activities, which refers to macro-level or micro-level policies. Certain scholars such as Kaplan/Baldauf Jr (1997) also refer to 'meso-level' policies, however the examples they give for meso-level policies can, in my view, be subsumed within macro-level policies. For example, according to Kaplan/Baldauf Jr (1997: 80), meso-level policies include the language training of officials and professionals, language use in administration, or educational equity (pedagogy or language rights), which can be classified as 'macro-level' policies.

The third parameter concerns the exact nature or the materiality of the object of investigation, which can include either the language policy texts or contexts or both.

Examples of macro-level policy texts are statutes (acts, orders, regulations), and official reports on various issues, whereas examples of micro-level policy texts are the manifestos, recommendations, and annual reports of organisations such as the Ultach Trust.[3] Ideally, any study should take both texts and contexts into account because, as argued in §2.4, a combination of these leads to a better understanding of language policies. IDA recommends using triangulation of methods for analysing texts and contexts: depending on their 'domains of inquiry' (Ricento 2006), researchers can then select additional theories and methods. For examples, Studer et al. (2008) use discursive social psychology to examine semi-structured interviews conducted with European Commission officials.

Examining texts is important because, as demonstrated in this thesis, they serve as concrete evidence of socio-political changes over time. Moreover, examining contexts is important because they help build the narrative structure around the evidence offered by textual investigations. For comparative works, it is even more important to conduct a detailed examination of contexts because the historical, sociopolitical and economic factors of the countries, the policies of which are to be investigated, may be very different from each other. For example, a comparison of the policies of the EU and India cannot be conducted without investigating the contexts which are crucial for understanding the differences in the historical development of language policies in these two polities, and the factors influencing the growth of these policies. For example, the cost-benefit analyses aiming to evaluate the impact of central-level policies in the EU and India should not consider only economic factors, but also structural factors such as categories of differentiation which might affect the distribution of funding across different policy areas.

IDA differs from other methods such as the Historical-Structural Analysis because of its understanding of the term 'language policy'. Most definitions of this term employ a functionalist view in the sense that they specify what policies do. For example, Kaplan/Baldauf Jr (1997: 3) argue that language policy is 'intended to achieve a planned change in language use in one or more communities'. IDA takes an ontological view of 'language policy' in the sense that IDA views 'language policy' as a process,

[3] Ultach Trust is a registered charity which promotes the Irish language and cultural heritage throughout the entire community in Northern Ireland. See http://www.ultach.org [accessed 21 Oct. 2017]

contrary to definitions which view it as a 'construct' (see Schiffman 1996, for example). A 'construct' would mean that the process is complete, while in IDA policy is a process. Researchers using an ethnographic approach such as McCarty/Collins/Hopson (2011: 335) have described policy as a 'sociocultural process', which includes 'the complex of practices, ideologies, attitudes, and formal and informal mechanisms that influence people's language choices in profound and pervasive everyday ways'. My definition differs from McCarty/Collins/Hopson (2011) because for me the 'process' refers to the interaction between macro-level policies and micro-level actions and policies, whereas the definition proposed by McCarty/Collins/Hopson (2011) seems to focus on the micro-level. Moreover, I use 'interaction' in the sense that the micro-level actions or policies which emerge as a reaction to the macro-level policies may lead to modifications in the macro-level policies.

In summary, IDA is a method that seeks to conduct comparative and non-comparative analyses of language policies by means of a systematic investigation, the systematicity of which rests upon the specification of three key parameters, namely policy domains, the level of planning activity, and the materiality of language policies. The conceptual background of IDA lies in its understanding of 'policy' as a 'process', and conducting IDA is not possible without considering policy a 'process' because IDA views policies as the process of interaction between macro-level and micro-level plans and actions.

8.4 Avenues for further research

Future LP research needs to explore the areas embedded in the text-context divide. Moreover, more thorough investigations of policy domains are needed. In this dissertation, I have focused on only eight domains. However, there are many more policy domains to be explored. Research has so far focused on what is visible e.g. linguistic landscapes, language use in education, language use in administration, etc. 'Less discussed policies' need to be explored as well. Furthermore, as previously mentioned, domains are not entirely discrete. Aspects of different domains intersect with each other, and therefore, there is a need for greater transparency and clarity. Ricento/Hornberger (1996), and McCarty (2011) speak of the 'multi-layered' nature of language policies. These layers can be uncovered through both comparative and non-comparative works. Some of the layers of language policies in the Indian context include the question of language and caste, language and religion, script and caste, etc.

It could be useful to take, for example, caste as a structural factor and explore similar structural factors in other cases.

As far as the theoretical framework of policy research is concerned, researchers need to take into account approaches from different countries and intellectual traditions. In Chapter 1, I highlighted the difference between the Western and Eastern approaches. While Kelman (1971) viewed language as a divisive force, Chaklader (1981) describes linguistic minorities as a cohesive force. Despite its heterogeneity, India has thrived as a socio-politically cohesive entity and has been able to produce a model that is an alternative to the 'one nation – one language' model. This issue of heterogeneity and homogeneity has been examined by recent works in new ways. There might be value in looking at these new models and seeing whether they can be applied more generally. Bhatti (2014: 39) points out that homogenisation must be resisted; however, 'the defence of heterogeneity means that we do not grant to the differentiating features of homogenisation (race, ethnicity, religion, and language) any substantial ontological status that could lead to divisive criteria for the formation of social organisation forms such as nations'. Therefore, as Bhatti (ibid.) argues, 'the right to diversity and alterity must be coupled with the "right to be similar"'. It should be examined to what extent Bhatti's idea of 'similarity in diversity' (as an alternative to 'unity in diversity') could contribute to policy research. Another important epistemological model concerns the quest of objectivity of the Western scholarship. It could be useful to assess how the pursuit of objectivity interacts with the 'lived experience' proposed by Gopal Guru (2012). Guru argues that it is difficult to theorise on the Dalit experience if the theoretician is not Dalit. This argument – similar to Gayatri Chakavarty Spivak's (1988) 'Can the Subaltern Speak' – highlights that those have personally experienced discrimination might differently react to the biases than others. This ideological chasm between essentialism and objectivity that I briefly discussed in Chapter 1 is an important avenue to explore in LP research.

A brief note must be made on the historiographies in policy research. So far, historiographies of policy research have focused on strategic and epistemological shifts in policy research since the 1950s until now. Research could benefit from different approaches to historiographies. For example, Ayres-Bennett (2018) briefly discusses the role of champions in language policies. It could be useful for research to have accounts

that narrate the history of language policies in view of these champions or activists who have had an impact on the growth of language policies. Works that critically examine the role of politicians or activists – such as Gladstone in the enactment of *Crofters (Scotland) Act 1886* (McLeod s.a.) or Potti Srimalulu in the creation of a separate state for Telugu speakers in India – would add a new dimension to historiographies of language policies. Finally, as discussed in §6.5, it could be interesting to employ topographical approaches to language policies. Topographical differences have had an impact on the growth and social status of different languages in Manipur (hills-valley divide) and Scotland (lowland-highland divide), and a comparative analysis of these polities could be useful in showing how and why certain languages become more influential due to their topographical settings as compared to others.

To sum up, the thesis demonstrates the importance of comprehensive comparative studies for language policy research. There are certain limitations to the comparative approach. For example, documentation can be constrained by how the right to information is practiced in a given state. However, such practical or logistical constraints lie external to research. Barring these limitations, comparative research can make useful contributions to the theoretical framework of the discipline. The contributions made by this dissertation include challenging the notion of macro-level power in language policy research, offering Categories of Differentiation (COD) as a possible analytical tool for examining language policies, and bridging the text-context divide. The novelty of the COD framework lies not only in showing that language policies might be shaped by binaries, but also in offering an ontological view of language policies by focusing on how policies are internally structured. Language Policy is still growing as discipline, and such findings which emerge from comparative work will help it develop further by adding to its theoretical and epistemological framework.

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